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No. 31]

NEW DELHI, SATURDAY, AUGUST 2, 1997/SHRAVANA 11, 1919

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह जलज संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विधि और न्याय मंत्रालय

(विधि कार्य विभाग)

(न्यायिक अनुभाग)

सूचना

नई दिल्ली, 9 जुलाई, 1997

का.आ. 1859.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री अशोक कुमार मित्तल, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे फरीदकोट (पंजाब) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में भेरे पाए जा जाए।

[सं. एफ. 5(177)/97-न्यायिक]

यू. के. ज़ा, सक्षम प्राधिकारी एवं अपर विधि
सलाहकार

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

(Judicial Section)

NOTICE

New Delhi, the 9th July, 1997

S.O. 1859.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Ashok Kumar Mittal, Advocate for appointment as a Notary to practise in Faridkot (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(177)/97-Judl.]

U. K. JHA, Competent Authority &
Additional Legal Adviser

सूचना

नई दिल्ली, 9 जुलाई, 1997

का.आ. 1860.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री अशोक कुमार सिंह, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे अलीगढ़ (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. एफ. 5(186)/97-न्यायिक]

यू. के. झा, सक्षम प्राधिकारी एवं अपर बिधिसलाहकार

NOTICE

New Delhi, the 9th July, 1997

S.O. 1860.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Ashok Kumar Singh, Adv. for appointment as a Notary to practise in Aligarh (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(186)/97-Judl.]

U. K. JHA, Competent Authority & Additional Legal Adviser

सूचना

नई दिल्ली, 9 जुलाई, 1997

का.आ. 1861.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री रंजी रमन शर्मा, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे कैथल जिला (हरियाणा) में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. एफ. 5(188)/97-न्यायिक]

यू. के. झा, सक्षम प्राधिकारी एवं अपर बिधिसलाहकार

NOTICE

New Delhi, the 9th July, 1997

S.O. 1861.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Ranti Raman Sharma, Adv. for appointment as a Notary to practise in Kaithal Distt. (Haryana).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(188)/97-Judl.]

U. K. JHA, Competent Authority & Additional Legal Adviser

सूचना

नई दिल्ली, 9 जुलाई, 1997

का.आ. 1862.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री लक्ष्मण प्रसाद शर्मा, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे बुलन्द शहर (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. एफ. 5(189)/97-न्यायिक]

यू. के. झा, सक्षम प्राधिकारी एवं अपर बिधिसलाहकार

NOTICE

New Delhi, the 9th July, 1997

S.O. 1862.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Lakhaman Prasad Sharma, Adv. for appointment as a Notary to practise in Bulandshahar (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(189)/97-Judl.]

U. K. JHA, Competent Authority & Additional Legal Adviser

सूचना

नई दिल्ली, 10 जुलाई, 1997

का०आ० 1863.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री रंजित सिंह ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे कोर्ट सुनाम, संगरूर जिला (पंजाब) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं० एफ. 5(191)/97-न्याय]]

यू०के० झा, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 10th July, 1997

S.O. 1863.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Khem Chand, Advocate for appointment as a Notary to practise in Civil Court SUNAM, Distt. Sangrur (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(191)/97-Judl.]

U. K. JHA, Competent Authority & Additional Legal Adviser

सूचना

नई दिल्ली, 10 जुलाई, 1997

का०आ० 1864.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि सुश्री राजू बाला, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे जिना न्यायालय भिवानी (हरियाणा) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं० एफ. 5(192)/97-न्यायिक]]

यू०के० झा, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 10th July, 1997

S.O. 1864.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Ms. Anju Bala Advocate for appointment as a Notary to practise in Distt. Court Bhiwani (Haryana).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No: F. 5(192)/97-Judl.]

U. K. JHA, Competent Authority & Additional Legal Adviser

सूचना

नई दिल्ली, 11 जुलाई, 1997

का०आ० 1865.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री वीरेन्द्र सिंह एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे बुलन्दशहर (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं० एफ. 5(33)/97-न्यायिक]]

यू०के० झा, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 11th July, 1997

S.O. 1865.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Virendra Singh Adv. for appointment as a Notary to practise in Bulandshahar (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(33)/97-Judl.]

U. K. JHA, Competent Authority & Additional Legal Adviser

सूचना

नई दिल्ली, 11 जुलाई, 1997

का०आ० 1866.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री पुरदमन सिंह, सिद्धू एडवोकेट ने उक्त

प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे श्री गंगानगर (राजस्थान) में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं० 5(180)/97/न्यायिक]

यू. के. झा, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 11th July, 1997

S.O. 1866.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Purdaman Singh, Sidhu Advocate for appointment as a Notary to practise in Sriganganagar (Rajasthan).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(180)/97-Judl.]

U. K. JHA, Competent Authority & Additional Legal Adviser

सूचना

नई दिल्ली, 11 जुलाई, 1997

का.आ. 1867:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री गुरसाहिब सिंह बरार, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे जिला फरीदकोट (पंजाब) में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. एक 5(181)/97/न्यायिक]

यू. के. झा, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 11th July, 1997

S.O. 1867.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Gursahib Singh Brar Advocate for appointment as a Notary to practise in Distt. Faridkot (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(181)/97-Judl.]

U. K. JHA, Competent Authority and Addl. Legal Adviser

सूचना

नई दिल्ली, 11 जुलाई, 1997

का.आ. 1868:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री देवप्रसाद पाठक बंद्योपाध्याय एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे घाटल सब डिविजन जिला मिदनापुर (पश्चिम बंगाल) में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं० एक 5(183) 897/न्यायिक]

यू. के. झा, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 11th July, 1997

S.O. 1868.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Debaprasad Pathik Bandyopadhyay Advocate for appointment as a Notary to practise in Ghatal Sub-Div. Distt. Midnapore (West Bengal).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(183)/97-Judl.]

U. K. JHA, Competent Authority and Addl. Legal Adviser

सूचना

नई दिल्ली, 11 जुलाई 1997

का.आ. 1869:—नोटरीज नियम 1956, के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री वीरेन्द्र सिंह लाठर, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे जिला (हरियाणा) में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं० एक 5(190)/97/न्यायिक]

यू. के. झा, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 11th July, 1997

S.O. 1869.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Virendar Singh Lather, Advocate for appointment as a Notary to practise in Distt. Jind, (Haryana).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(190)/97-Judl.]

U. K. JHA, Competent Authority and Addl. Legal Adviser

सूचना

नई दिल्ली, 11, जुलाई, 1997

का.आ. 1870.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री एम्. एम्. गंगाधर, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मैसूर सिटी (कर्नाटक) में व्यापार करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं 5(193)/97-न्यायिक]

यू. के. झा, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 11th July, 1997

S.O. 1870.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. M. S. Gangadhera, Advocate for appointment as a Notary to practise in Mysore City (Karnataka).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(193)/97-Judl.]

U. K. JHA, Competent Authority and Addl. Legal Adviser

सूचना

नई दिल्ली, 11 जुलाई, 1997

का.आ. 1871.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री अमजद ए. सईद, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मुम्बई (महाराष्ट्र) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं 5(194)/97-न्यायिक]

यू. के. झा, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 11th July, 1997

S.O. 1871.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Amjad A. Sayed Advocate for appointment as a Notary to practise in Mumbai (Maharashtra).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(194)/97-Judl.]

U. K. Jha, Competent Authority and Addl. Legal Adviser

सूचना

नई दिल्ली, 11 जुलाई, 1997

का.आ. 1872.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री टी. एच. शंकरनारायण, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मैसूर सिटी (कर्नाटक) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं 5(195)/97-न्यायिक]

यू. के. झा, सक्षम प्राधिकारी एवं अपर विधि सलाहकार

NOTICE

New Delhi, the 11th July, 1997

S.O. 1872.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. T. H. Shankaranarayana, Advocate for appointment as a Notary to practise in Mysore City (Karnataka).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(195)/97-Judl.]

U. K. JHA, Competent Authority and Addl. Legal Adviser

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 31 मार्च, 1997

(आयकर)

का.आ. 1873.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (22ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "यूनाइटेड न्यूज ऑफ इंडिया" को केवल गताचारों को एकत्रित करने और उनके वितरण करने के लिये भारत में स्थापित एक न्यूज एजेंसी के रूप में, कर निर्धारण वर्ष 1997-98, 1998-99 और 1999-2000 तक के लिये उक्त खण्ड के प्रयोजनार्थ अधिसूचित करती है।

[अधिसूचना सं. 10333/फा.सं. 165/11/95-आयकर

नि.-1]

एच.के. चौधरी, अपर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 31st March, 1997

(INCOME TAX)

S.O. 1873.—In exercise of the powers conferred by clause (22B) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "United News of India" as a

news agency set up in India solely for collection and distribution of news, for the purposes of the said clause for the assessment years 1997-98, 1998-99 and 1999-2000.

[Notification No. 10383/F. No. 176/26/97-ITA-I]
H. K. CHOUDHARY, Under Secy.

आदेश

नई दिल्ली, 16 जुलाई, 1997

स्टाम्प

का.आ. 1874.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मै. नैसले इंडिया लिमिटेड, नई दिल्ली को रीतिस बाय पचास हजार रुपये का सम्भक्त स्टाम्प शुल्क अधा करने की अनुमति देती है, जो कि उक्त कम्पनी द्वारा जारी किये जाने वाले पचास करोड़ रुपये के कुल मूल्य के प्रत्येक पांच लाख रुपये के शक्ति मूल्य वाले 1000 (एक हजार) अपारिवर्तनीय विमोच्य (शृंखला पी पी-4) ऋणपत्रों पर स्टाम्प शुल्क के कारण प्रभावी है।

[मं. 7/97-स्टाम्प/का.सं. 15/6/97-बि.क.]

एस. कुमार, अवर सचिव

ORDER

New Delhi, the 16th July, 1997

STAMPS

S.O. 1874.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Nestle India Limited, New Delhi to pay consolidated stamp duty of rupees thirty seven lakh fifty thousand only chargeable on account of the stamp duty on 1000 (one thousand) Non-Convertible Redeemable (Series PP-4) Debentures of the face value of rupees five lakh each aggregating to rupees fifty crores only to be issued by the said company.

[No. 7/97-STAMPS/F. No. 15/6/97-STI]

S. KUMAR, Under Secy.

आदेश

नई दिल्ली, 17 जुलाई, 1997

स्टाम्प

का.आ. 1875.—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त श्लोक की माफ करती है जो भारतीय पत्राचार उर्जा विकास अधिकरण लि. नई दिल्ली द्वारा दि. 30-3-1996 को आवंटित किये गये तीस करोड़ रुपये के समग्र मूल्य वाले 1,000-1,000 रु. के मूल्य वाले 750001 से 1050000 तक की विनिष्ट संख्या वाले 10.5% इरेडा के कर शुल्क बांडों (शृंखला-III)-1995-96 के प्रोविजरी बांडों के रूप में वणिक्त बांडों पर उक्त अधिनियम, के तहत प्रभावी है।

[फा.सं. 10/97-स्टाम्प-का.सं. 14/7/96-बि.क.]

एस. कुमार, अवर सचिव

ORDER

New Delhi, the 17th July, 1997

STAMPS

S.O. 1875.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with within the bonds in the nature of promissory notes described as 10.5% IREDA's Tax Free Bonds (Series-III)—1995-96 bearing distinctive numbers 750001 to 1050000 of rupees one thousand each aggregating to rupees thirty crores only allotted on 30-3-1996 by the Indian Renewable Energy Development Agency Limited, New Delhi, are chargeable under the said Act.

[No. 10/97-Stamps-F. No. 14/7/96-STI]

S. KUMAR, Under Secy.

नई दिल्ली, 24 जुलाई, 1997

(आयकर)

का.आ. 1876.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80-छ की उपधारा (2) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री श्री वरदराज पेक्कमल वेदपुरीण्बर देवस्थानम् द्वारा प्रणामित "श्री वेदपुरीण्बर टेम्पल एवं श्री वरदराज पेक्कमल टेम्पल, पोंडिचेरी" को सम्पूर्ण पोंडिचेरी संघ-क्षेत्र में एक ख्याति प्राप्त सार्वजनिक पूजास्थल के रूप में उक्त धारा के प्रयोजनार्थ विनिर्दिष्ट करती है।

यह अधिसूचना श्री वेदपुरीण्बर टेम्पल के संबंध में 14,90,000/- रु. (चौदह लाख नब्बे हजार रुपये मात्र) तक के और श्री वरदराज पेक्कमल टेम्पल के संबंध में, 10,65,000/- रु. (दस लाख पैंसठ हजार रुपये मात्र) तक के सम्मत/जीर्णोद्धार संबंधी कार्य के लिये ही वैध होगी।

[अधिसूचना सं. 10383/का.सं. 176/26/97-आयकर नि.-I]

एच.के. चौधरी, अवर सचिव

New Delhi, the 24th July, 1997

(INCOME TAX)

S.O. 1876.—In exercise of the powers conferred by clause (b) of sub-section (2) of Section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby specified "Sri Vedarureswarer Temple and for Varadarajaperumal Temple, Pondicherry" administered by Sri Sri Varadarajaperumal Vedarureswarer Devasthanam to be a place of public worship of renown throughout the Union Territory of Pondicherry for the purpose of the said section.

This notification will be valid only for the repair/renovation work of Sri Vedarureswarer Temple to the extent of Rs. 14,90,000 (Fourteen lakhs ninety thousand only) and Sri Varadarajaperumal Temple to the extent of Rs. 10,65,000 (Ten lakhs sixty five thousand only).

[Notification No. 10383/F. No. 176/26/97-ITA-I]

H. K. CHOUDHARY, Under Secy.

(आर्थिक कार्य विभाग)

(IR Section)

(विकेय प्रभाग)

New Delhi, the 17th July, 1997

नई दिल्ली, 16 जुलाई, 1997

का. आ. 1877.—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 (1981 का 6) की धारा-6 की उपधारा (1) के साथ पठित उपधारा (1) के खंड (क) और धारा-7 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार भारतीय रिजर्व बैंक के परामर्श से एतद्वारा श्री पी. कोटैया को 25 जून, 1997 से 31 मई, 1998 तक की नई अवधि के लिए राष्ट्रीय कृषि और ग्रामीण विकास बैंक के अध्यक्ष के रूप में नियुक्त करते हैं।

[का. सं. 7/5/97-बी ओ-1]

एम. दामोदरन, संयुक्त सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 16th July, 1997

S.O. 1877.—In exercise of the powers conferred by clause (a) of sub-section (1) of Section 6 read with sub-section (2) thereof and sub-section (1) of Section 7 of the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981), the Central Government, in consultation with the Reserve Bank of India, hereby appoints Shri P. Kotiaiah as Chairman, National Bank for Agriculture and Rural Development for a fresh term from 25th June, 1997 and upto 31st May, 1998.

[F. No. 7/5 97-BO.I]

M. DAMODARAN, Jr. Secy.

(आई आर अनुभाग)

विदेश मंत्रालय

नई दिल्ली, 17 जुलाई, 1997

का. आ. 1879.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम 1948 (1948 का 41 वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का राजदूतावास वियतियाने में सहायक श्री एस. महेश को 14 जुलाई, 1997 से सहायक कौंसली अधिकारी का कार्य करने के लिए प्राधिकृत करती है।

[सं. टी-4330/2/96]

वी. महालिंगम, अवर सचिव (पी. वी. एस.)

नई दिल्ली, 17 जुलाई, 1997

का. आ. 1878.—भारतीय स्टेट बैंक (अनुबंधी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 26 की उपधारा (2क) के साथ पठित धारा 25 की उपधारा (1) के खण्ड (गक) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा कृषि विकास हाइड्रा, जामखम्बालिया, जिला जामनगर में प्रधान लिपिक श्री जयन्ती भाई डी. नाकम को दिनांक 17 जुलाई, 1997 से 16 जुलाई, 2000 तक तीन वर्ष की अवधि के लिये या उनके स्टेट बैंक आफ सौराष्ट्र में कर्मचारी रहने तक, जो भी पहले हो, स्टेट बैंक आफ सौराष्ट्र के निदेशक बोर्ड में निदेशक के रूप में नियुक्त करती है।

[संख्या 15/1/97-आई.आर.]

वी. वी. प्रसाद, अवर सचिव

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 17th July, 1997

S.O. 1879.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri S. Mahesh, Assistant in the Embassy of India Vientiane to perform the duties of Assistant Consular Officer with effect from 14-7-1997.

[No. T-4330/2/96]

V. MAHALINGAM, Under Secy. (Consular)

नगरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय

भारतीय मानक ब्यूरो

नई दिल्ली, 7 जुलाई, 1997

का. आ. 1880.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) की खंड (ख) के अनुसार भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस/जिन भारतीय मानक/मानकों, का/के विवरण नीचे अनुसूची में दिया गया है/दिए गए हैं, वह/वे स्थापित हो गया है/हो गए हैं।

अनुसूची

क्रमां.	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नए भारतीय मानक द्वारा अतिश्रुत भारतीय मानक अथवा मानकों, यदि कोई हों, की सं. और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस/आईसी 41(1991)—द्रवचालित टरबाइन, भंडारण पंपों तथा पंप टरबाइनों की द्रवचालित कार्य-कारिता के निर्धारण के लिए फील्ड स्वीकार्यता परीक्षण	—	96-09-30
2.	आईएस/आईसी सी पीसी 127-1 (1988) लघु फ्यूजों की विनिर्दिष्ट भाग 1 लघु फ्यूजों की परिभाषा और लघु फ्यूज संयोजन की सामान्य अवस्थाएं	—	96-12-21
3.	आईएस/आईसी 127-2 (1989) लघु फ्यूज भाग 2 क्राइज फ्यूज लिंक—विनिर्दिष्ट	—	96-09-30
4.	आईएस 398 (भाग 2) : 1996 शिरोपरि प्रेषण प्रयोजनों के लिए एल्यूमिनियम चाबक—विनिर्दिष्ट भाग 2 एल्यूमिनियम चाबक, जम्मीकृत इस्पात प्रबलन (तीसरा पुनरीक्षण)	आईएस 398 (भाग 2) : 1976	96-12-31
5.	आईएस 587 : 1997 जरेनियम का तेल—विनिर्दिष्ट (तीसरा पुनरीक्षण)	आईएस 587 : 1988	97-03-31
6.	आईएस/आईएसओ 789-8 : 1991 कृषि ट्रैक्टर—परीक्षण विधियां भाग 8 इंजन वायु क्लीनर	—	96-11-30
7.	आईएस 1656 : 1997 दुग्ध धान्य से निमित्त शिशु आहार विनिर्दिष्ट (तीसरा पुनरीक्षण)	आईएस 1656 : 1985	97-02-28
8.	आईएस 1868 : 1996 एल्यूमिनियम और इसके मिश्रधातुओं पर एनोडिक लेप—विनिर्दिष्ट (तीसरा पुनरीक्षण)	आईएस 1868 : 1982	96-12-31
9.	आईएस 1890 (भाग 6) : 1997 मालाएं और इकाइयां भाग 6 प्रकाश तथा सम्बद्ध विद्युत चुम्बकीय विकिरण (पहला पुनरीक्षण)	आईएस 1890 (भाग 6) : 1983	97-03-31
10.	आईएस 1890 (भाग 13) : 1997 मालाएं और इकाइयां भाग 13 ठोस अवस्था भौतिकी (पहला पुनरीक्षण)	आईएस 1890 (भाग 13) : 1983	97-03-31

(1)	(2)	(3)	(4)
11. आईएस 2548 (भाग 1) : 1996 जीनकॉड के लिए प्लास्टिक की पोटिफा और डकन--- विशिष्ट भाग 1 तथा दूसरी पोटिफा और डकन (पाँचवां पुनरीक्षण)	आईएस 2548 (भाग 1) : 1983		96-12-31
12. आईएस 2548 (भाग 2) : 1996 जीनकॉड के लिए प्लास्टिक की पोटिफा और डकन--- विशिष्ट भाग 2 तथा दूसरी पोटिफा और डकन (पाँचवां पुनरीक्षण)	आईएस 2548 (भाग 2) : 1983		96-12-31
13. आईएस 3024 : 1997 दिशानक कण धियुस डस्वान की चर्दरे और पसिया--- विशिष्ट (पहला पुनरीक्षण)	आईएस 3024 : 1965		97-03-31
14. आईएस 3171 (भाग 1) : 1997 अंतर्दाही इंजन--- इंजन अंतःक्षेपण प्रणाली भाग 1 फलैज चूड़ी ईंधन अंतः- क्षेपण साइज "एस" टाइप 2, 3, 4, 5 तथा 6 (पहला पुनरीक्षण)	---		97-01-31
15. आईएस 3171 (भाग 2) : 1997 अंतर्दाही इंजन--- ईंधन अंतःक्षेपण नोजल धारक भाग 2 चूड़ी चढ़े अंतः- क्षेपण नोजल धारक टाइप 20, 21, तथा 27, पिटन नोजल साइज "एस", टाइप बी के लिए	---		97-03-31
16. आईएस 3171 (भाग 3) : 1997 अंतर्दाही इंजन--- ईंधन अंतःक्षेपण नोजल धारक भाग 3 चूड़ी चढ़े अंतः- क्षेपण नोजल धारक टाइप 12, 13, 14, 15, 16, 17, 18 तथा 19	---		97-03-31
17. आईएस/आईएसओ 3939 : 1977 तरल पावर प्रणाली और संघटक---गहू प्रयोजी विप पैटिंग मेट---स्टैंक ऊंचाई निर्धारण की पद्धति	---		97-01-31
18. आईएस 4011 : 1977 सौदर्य प्रसाधन का सुरक्षा आकलन आईएस 4011 : 1982 परीक्षण विधि (द्वितीय पुनरीक्षण)			97-04-30
19. आईएस 4341 : 1997 घरेलू फिनाई मशीन---फीड दंड रोलर और स्ट्रॉ की विशिष्टि (पहला पुनरीक्षण)	आईएस 4341 : 1967		97-03-31
20. आईएस 4759 : 1996 संरक्षक इस्पात तथा अन्य आईएस 4759 : 1984 संबद्ध उत्पादों पर तप्त निमज्जित लेपन---विशिष्टि (तीसरा पुनरीक्षण)			96-12-31
21. आईएस 5116 : 1996 घरेलू एवं व्यावसायिक द्रवित आईएस 5116 : 1985 पेट्रोलियम गैस के साथ प्रयुक्त होने वाले उपकरणों की सामान्य अवस्थाएँ (तीसरा पुनरीक्षण)			96-12-31

(1)	(2)	(3)	(4)
22.	आईएस 5221 : 1997 पोतनिर्माण डेरिक गूजनेक के लिए बेयरिंग एसेम्बली तथा संघटक—विशिष्ट (पहला पुनरीक्षण)	आईएस 5221 : 1969	97-02-28
23.	आईएस 5422 : 1996 टरबार्न टाइप जेनरेटर—विशिष्ट (पहला पुनरीक्षण)	आईएस 5422 : 1969	96-12-31
24.	आईएस 5960 (भाग 4) : 1997—मांस और मांस के उत्पाद—परीक्षण पद्धतियां भाग 4 मुक्त वसा अंश ज्ञात करना (पहला पुनरीक्षण)	आईएस 5960 (भाग 4) : 1970	97-04-30
25.	आईएस 5960 (भाग 6/खंड 1) : 1997 मांस और मांस के उत्पाद—परीक्षण पद्धतियां भाग 6 क्लोराइड अंश ज्ञात करना अनुभाग 1 बोल्हाई पद्धति (पहला पुनरीक्षण)	—	97-04-30
26.	आईएस 6440 : 1997 द्रुत कर्म वेधनजिग—विशिष्ट (पहला पुनरीक्षण)	आईएस 6440 : 1972	97-04-30
27.	आईएस 7651 : 1997 तार पुनर्बलित रखे चढ़े द्रव-चालित होज—विशिष्ट (दूसरा पुनरीक्षण)	आईएस 7651 : 1979	97-02-28
28.	आईएस 8828 : 1996 विद्युत् सहायक अंग—जरेलू और ऐसे ही संस्थापनों के लिए प्रति धारा संरक्षण हेतु परिपथ वियोजक (दूसरा पुनरीक्षण)	आईएस 8828 : 1993	96-09-30
29.	आईएस/आईएसओ 9178—1 : 1988 प्रतीकों और अक्षर बनाने के लिए आधार पट्टिका भाग 1 सामान्य सिद्धांत और पहचान निशान	—	96-09-30
30.	आईएस 9482 : 1996 एक पार्श्व बैंड वाली पावर लाइनें वाहक टर्मिनल—विशिष्ट (पहला पुनरीक्षण)	आईएस 9482 : 1980	96-11-30
31.	आईएस/आईएसओ 9962 —3 : 1994 हस्त चालित इम्पिंग मशीनें भाग 3 स्केल रलसक प्लेट के आयाम	—	97-03-31
32.	आईएस 10068 (भाग 4) : 1997 प्रेस प्रचारन ड्राई समुच्चय (सादा टाइप) भाग 4 पश्च पोस्ट आयताकार ड्राई समुच्चय—विशिष्ट	—	97-01-30
33.	आईएस 10068 (भाग 5) : 1996 प्रेस प्रचारन ड्राई (सादा टाइप) भाग 5 पश्च पोस्ट वर्गाकार ड्राई समुच्चय—विशिष्ट	—	96-12-31
34.	आईएस 10068 (भाग 6) : 1996 प्रेस प्रचारन ड्राई समुच्चय (सादा टाइप) भाग 6 पश्च पोस्ट गोलाकार ड्राई समुच्चय—विशिष्ट	—	96-12-31

(1)	(2)	(3)	(4)
35.	आईएस 10129 : 1997 द्रव चालित तरल पावर—घनात्मक विस्थापन पम्प और मोटर आरोपण प्लैंज और शाफ्ट सिरो के आयाम और पहचान संहिता (पहला पुनरीक्षण)	आईएस 10129 : 1982	97-02-28
36.	आईएस 10526 : 1996 अंतर्देशीय जलयान—अग्निशमन जल प्रणाली—दबाव (पहला पुनरीक्षण)	आईएस 10526 : 1983	96-12-31
37.	आईएस 11118 : 1997 सामान्य प्रयोजन की समानांतर खराद के तकनीकी मूल्यांकन के मार्गदर्शी (सिद्धान्त) (पहला पुनरीक्षण)	आईएस 11118 : 1984	97-02-28
38.	आईएस/आईएसओ 11145 : 1994 प्रकाशिकी एवं प्रकाशिक उपकरण—लेजर एवं लेजर संबंधित उपकरण—गुद्दावली एवं प्रतीक	—	97-01-31
39.	आईएस 11551 : 1996 एप.कसी, फा नालिक तथा पोलियस्टर रेजिन प्रणाली के पुनःप्रचलन के लिए प्रीशा रस्ते के कटे लुत्तार मेट (पहला पुनरीक्षण)	आईएस 11551 : 1986	96-12-31
40.	आईएस 12239 (भाग 1) : 1996 कृषि ट्रैक्टरों और पावर टिलरो के प्रचालक की सुरक्षा और आराम के लिए मार्गदर्शिका भाग 1 सामान्य अपेक्षाएं (पहला पुनरीक्षण)	आईएस 12239 : (भाग 1) : 1988	96-11-30
41.	आईएस 12766 : 1997 कागज, कम्प्यूटर—विशिष्ट (पहला पुनरीक्षण)	आईएस 12766 : 1989	97-03-31
42.	आईएस/आईएसओ 14001 : 1996 पर्यावरणीय प्रबंधन पद्धति—उपयोग के लिए मार्गदर्शी सहित विशिष्ट	—	97-04-30
43.	आईएस/आईएसओ 14004 : 1996 पर्यावरणीय प्रबंधन पद्धति—सिद्धान्तों पर सामान्य मार्गदर्शी सिद्धान्त, पद्धति और सहयोगी तकनीक	—	97-04-30
44.	आईएस/आईएसओ 14012 : 1996 पर्यावरणीय ऑडिटिंग के मार्गदर्शी सिद्धान्त—पर्यावरणीय ऑडिटर की योग्यता सम्बन्धी मापदण्ड	—	97-04-30
45.	आईएस 14270 (भाग 2) : 1997 पोत-निर्माण—समुद्री जहाजों के लिए आतिशबाजी द्वारा विपत्ति संकेत भाग 2 लाल अग्नि पैराग्राफ संकेत —विशिष्ट	—	97-02-28
46.	आईएस 14270 (भाग 3) : 1997 पोत निर्माण—समुद्री जहाजों के लिए आतिशबाजी द्वारा विपत्ति संकेत भाग 3 लास सितारा रॉकेट संकेत—विशिष्ट	—	97-02-28
47.	आईएस 14270 (भाग 4) : 1997 पोत निर्माण—समुद्री जहाजों के लिए आतिशबाजी द्वारा विपत्ति संकेत भाग 4 श्वेत अग्नि संकेत—विशिष्ट	—	97-03-31
48.	आईएस 14270 (भाग 5) : 1997 पोत निर्माण—समुद्री जहाजों के लिए आतिशबाजी द्वारा विपत्ति संकेत भाग 5 श्वेत अग्नि पैराग्राफ संकेत—विशिष्ट	—	97-03-31

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49.	आईएस 14276 (भाग 3) : 1997 पोत निर्माण--समुद्री जहाजों के लिए आनिशवाजी द्वारा विपत्ति संकेत भाग 8 नारंगी धूआ संकेत--विशिष्ट	--	97-01-21
50.	आईएस 14277 : 1996 परीक्षण परिणामों का सांख्यिकीय निर्वहन--माध्यमानक विचलन और समाश्रयण गुणों का आंकलन--विश्वास्यता अंतराल	--	96-08-21
51.	आईएस 14305 : 1996 घड़ीसार्जी--सड़ियों के वेजल एवं पिटले बक्कन के गेज--आयाम एवं छूटे	--	96-12-31
52.	आईएस 14390 : 1996 बार आयरमीटर, वर्ग 3.0 विशिष्ट	--	96-12-31
53.	आईएस 14396 (भाग 1 से 4) : 1996 मृदायुक्त जोध भेद--प्रयोगशाला के परीक्षण की पद्धतियां	--	96-10-31
54.	आईएस 14397 : 1996 खाद्य पदार्थों में रोगजनक र्णकों के लिए संसूचन पृथक्करण और पहचान की पद्धतियां	--	96-12-31
55.	आईएस 14421 : 1987 मुद्रणकारी ईस्टर--विशिष्ट	--	97-03-31
56.	आईएस 14423 : 1997 तरल पावर पद्धति और प्रययव--संयोजक और सहचार्य प्रययव--अभिहित दाब	--	97-01-31
57.	आईएस 14424 : 1997 रबड़ के क्षार--विशिष्ट	--	97-03-31
58.	आईएस 14426 : 1997 क्लोरीनित पैराफिन (सी पी) --विशिष्ट	--	97-01-31
59.	आईएस 14429 : 1997 ब्रैल आशुलिपि--विशिष्ट	--	97-03-31
60.	आईएस 14431 : 1997 एयरपोर्ट यात्री बस--प्रकारात्मक अपेक्षाएं	--	97-04-30
61.	आईएस 14432 : 1997 एयर आपट--एम्बुलिफ्ट--प्रकारात्मक अपेक्षाएं	--	97-04-30
62.	आईएस 14433 (भाग 1) : 1997 शिशु दुग्ध के धैकल्पक आहार--विशिष्ट भाग 1 दुग्ध प्रोटीन से बने	--	97-02-28

इन भारतीय मानकों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 महादुरशाह जफर मार्ग, नई दिल्ली--110002 और क्षेत्रीय कार्यालयों नई दिल्ली, कलकत्ता, मद्रास, चण्डीगढ़, मुम्बई और शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, फरीदाबाद, गाजियाबाद, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, लखनऊ, पटना तथा धिरवशातापुरम बिन्नी, हेतु उपलब्ध हैं।

[सं. के. प्र० दि/13:2]

पी. एस. दास, अपर महानिदेशक

MINISTRY OF CIVIL SUPPLIES
CONSUMER AFFAIRS & PUBLIC DISTRIBUTION
BUREAU OF INDIAN STANDARDS

New Delhi, the 7th July, 1997

S.O. 1880.—In pursuance of clause (b) of Sub-rule (1) of Rule (1) of Rule 7 of the Bureau of Indian Standards Rules 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard(s), particulars of which is/are given in the Schedule hereto annexed, has/have been established on the date indicated against each:

Sl. No.	No. year and Title of the Indian Standard(s) Established	No. and year of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Date of Establishment
1	2	3	4
1.	IS/IEC 41(1991)—Field acceptance tests to determine the hydraulic performance of hydraulic turbines, storage pumps and pump turbines	—	96-09-30
2.	IS/IEC Pub 127-1(1988)—Miniature Fuses Part 1 Definition for miniature fuses and general requirements for miniature fuse links—Specification	—	96-12-31
3.	IS/IEC 127-2 (1989)—Miniature Fuses Part 2 Cartridge fuse links—Specification	—	96-09-30
4.	IS 398 (Part 2) : 1996—Aluminium conductors for overhead transmission purposes—Specification Part 2 Aluminium conductors, galvanized steel-reinforced (Third Revision)	IS 398 (Pt. 2) : 1976	96-12-31
5.	IS 587 : 1997—Oil of geranium—Specification (Third Revision)	IS 587 : 1988	97-03-31
6.	IS/ISO 789-8 : 1991—Agricultural tractors—Test procedures Part 8 Engine air cleaner	—	96-11-30
7.	IS 1656 : 1997—Milk-cereal based weaning foods—Specification (Third Revision)	IS 1656 : 1985	97-02-28
8.	IS 1868 : 1996—Anodic coatings on aluminium and its alloys—Specification (Third Revision)	IS 1868 - 1982	96-12-31
9.	IS 1890 (Part 6) : 1997—Quantities And Units Part 6 Light and related electromagnetic radiations (First Revision)	IS 1890 (Pt. 6) : 1983	97-03-31
10.	IS 1890 (Part 13) : 1997—Quantities And Units Part 13 Solid state physics (First Revision)	IS 1890 (Pt. 13) : 1983	97-03-31
11.	IS 2548 (Part 1) : 1996—Plastic seats and covers for water-closets—Specification Part 1 Thermoset seats and covers (Fifth Revision)	IS 2548 (Pt. 1) : 1983	96-12-31
12.	IS 2548 (Part 2) : 1996—Plastic seats and covers for water-closets—Specification Part 2 Thermoplastic seats and covers (Fifth Revision)	IS 2548 (Pt. 2) : 1983	96-12-31

1	2	3	4
13.	IS 3024 : 1997—Grain oriented electrical steel sheets and strip-Specification (First Revision)	IS 3024 : 1965	97-03-31
14.	IS 3171 (Part 1) : 1997—Internal combustion engines—Fuel injection nozzle holders Part 1 Flange mounted fuel injectors size 's' Types 2, 3, 4, 5 and 6 (First Revision)	—	97-01-31
15.	IS 3171 (Part 2) : 1997—Internal combustion engines—Fuel injection nozzle holders Part 2 Screw-in injection nozzle holders, Types 20, 21 and 27 for pintle nozzle size 's', Type B.	—	97-03-31
16.	IS 3171 (Part 3) : 1997—Internal combustion engines—Fuel injection nozzle holders Part 3 Screw mounted injection nozzle holders, types 12, 13, 14, 15, 16, 17, 18 and 19	—	97-03-31
17.	IS/ISO 3939 : 1977—Fluid power systems and components-multiple lip packing sets. . Methods for measuring stack heights	---	97-01-31
18.	IS 4011 : 1997—Methods of test for safety evaluation of cosmetics (Second Revision)	IS 4011 : 1982	97-04-30
19.	IS 4341 : 1997—Household sewing machines—Feed bar rollers and studs-Specification (First Revision)	IS 4341 : 1967	97-03-31
20.	IS 4759 : 1996—Hot-dip zinc coatings on structural steel and other allied products-Specification (Third Revision)	IS 4759 -: 1984	96-12-31
21.	IS 5116 : 1996—Domestic and commercial equipment for use with LPG—General requirements (Third Revision)	IS 5116 : 1985	96-12-31
22.	IS 5221 : 1997—Shipbuilding - Bearings or derrick gooseneck-Assemblies and components-Specification (First Revision)	IS 5221 : 1969	97-02-28
23.	IS 5422 : 1996—Turbine type generators-Specification (First Revision)	IS 5422 : 1969	96-12-31
24.	IS 5960 (Part 4) : 1997—Meat and meat products-Methods of Test Part 4 Determination of free fat content (First Revision)	IS 5960 (Part. 4) : 1970	97-04-30
25.	IS 5960 (Part 6/Sec 1) : 1997—Meat and meat products—Methods of Test Part 6 Determination of chloride content Section 1 Volhard Method (First Revision)	---	97-04-30
26.	IS 6440 : 1997---Quick action drilling jigs--Specification (First Revision)	IS 6440 : 1972	97-04-30
27.	IS 7651 : 1997—Wire reinforced rubber covered hydraulic hose—Specification (Second Revision)	IS 7651 : 1979	97-02-28

1	2	3	4
28.	IS 8828 : 1996—Electrical accessories—Circuit breakers for over current protection for household and similar installations (Second Revision)	IS 8828 : 1993	96-09-30
29.	IS/ISO 9178-1 : 1988—Templates for lettering and symbols Part 1 General principles and identification markings	--	96-07-31
30.	IS 9482 : 1996—Single sideband power line carrier terminals—Specification (First Revision)	IS 9482 : 1980	96-11-30
31.	IS/ISO 9962-3 : 1994—Manually operated draughting machines Part 3 Dimensions of scale rule chuck plates	---	97-03-31
32.	IS 10068 (Part 4) : 1997—Press working die sets (Plain Type) Part 4 Rear post rectangular die sets—Specification	---	97-01-31
33.	IS 10068 (Part 5) : 1996—Press working die sets (Plain Type) Part 5 Rear post square die sets—Specification	---	96-12-31
34.	IS 10068 (Part 6) : 1996—Press working die sets (Plain Type) Part 6 Rear post round die sets—Specification	---	96-12-31
35.	IS 10129 : 1997—Hydraulic fluid power-positive displacement pumps and motors - Dimensions and identification code for mounting flanges and shaft ends (First Revision)	IS 10129 : 1982	97-02-28
36.	IS 10526 : 1996—Inland vessels-Fire-fighting water system-Pressures (First Revision)	IS 10526 : 1983	96-12-31
37.	IS 11118 : 1997—Guidelines for technical evaluation of general purpose parallel lathes (First Revision)	IS 11118 : 1984	97-02-28
38.	IS/ISO 11145 : 1994—Optics and optical instruments-Lasers and laser-related equipment-Vocabulary and symbols	---	97-01-31
39.	IS 11551 : 1996—Glass fibre chopped strand mat for the reinforcement of epoxy, phenolic and polyester resin systems—Specification (First Revision)	IS 11551 : 1986	96-12-31
40.	IS 12239 (Part 1) : 1996—Guide for safety and comfort of operator of agricultural tractors and power tillers Part 1 General requirements (First Revision)	IS 12239 (Pt. 1) : 1988	96-11-30
41.	IS 12766 : 1997—Paper computer—Specification (First Revision)	IS 12766 : 1989	97-03-31
42.	IS/ISO 14001 : 1996—Environmental management systems—Specification with guidance for use	---	97-04-30

1	2	3	4
43.	IS/ISO 14004 : 1996—Environmental management systems—General guidelines on principles, system and supporting techniques	—	97-04-31
44.	IS/ISO 14012 : 1996—Guidelines for environmental auditing—Qualification criteria for environmental auditors	—	97-04-31
45.	IS 14270 (Part 2) : 1997—Shipbuilding—pyrotechnic distress signals for ships Part 2 Red flare parachute signal—Specification	—	97-02-28
46.	IS 14270 (Part 3) : 1997—Shipbuilding—Pyrotechnic distress signals for ships Part 3 Red star rocket signal—Specification	—	97-02-28
47.	IS 14270 (Part 4) : 1997—Shipbuilding—Pyrotechnic distress signals for ships Part 4 White flare signal—Specification	—	97-03-31
48.	IS 14270 (Part 5) : 1997—Shipbuilding—Pyrotechnic distress signals for ships Part 5 White flare parachute signal—Specification	—	97-03-31
49.	IS 14270 (Part 8) : 1997—Shipbuilding—Pyrotechnic distress signals for ships part 8 Orange smoke signal—Specification	—	97-01-31
50.	IS 14277 : 1996—Statistical interpretation of test results - Estimation of mean, standard deviation and regression coefficient—Confidence interval	—	96-08-31
51.	IS 14365 : 1996—Horology—Gauges for watch bezel and back covers—Dimensions and tolerances	—	96-12-31
52.	IS 14390 : 1996—Var-hour meters, class 3.0 - Specification	—	96-12-31
53.	IS 14396 (Parts 1 to 4) : 1996—Argillaceous swelling rocks—Methods for laboratory testing	—	96-10-31
54.	IS 14397 : 1996—Methods for detection, isolation and identification of pathogenic E. COLI in foods	—	96-12-31
55.	IS 14421 : 1997—Plasticizer esters—Specification	—	97-03-31
56.	IS 14423 : 1997—Fluid power systems and components - connectors and associated Components—Nominal pressures	—	97-01-31
57.	IS 14424 : 1997—Rubber threads -Specification	—	97-03-31
58.	IS 14426 : 1997—Chlorinated paraffins (CP)—Specification	—	97-01-31
59.	IS 14429 : 1997—Braille short hand machines - Specification	—	97-03-31

1	2	3	4
60.	IS 14431 : 1997—Airport passenger bus-Functional requirements	—	97-04-30
61.	IS 14432 : 1997—Aircraft-Ambulift-Functional Requirements	—	97-04-30
62.	IS 14433 (part 1) : 1997—Infant milk substitutes-Specification part 1 Milk protein based	—	97-02-28

Copies of these Indian Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Calcutta, Chandigarh, Madras, and Mumbai and also Branch Offices: Ahmadabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Patna and Thiruvananthapuram.

[No. CMD/13 : 2]

P. S. DAS, Addl. Director General

खाद्य और उपभोक्ता मामले मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 17 जुलाई, 1997

का.आ. 1881—भारतीय मानक ब्यूरो अधिनियम, 1986 (1986 का 63) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारतीय मानक ब्यूरो में अपर महा-निदेशक श्री पी.एस. दास को तत्काल प्रभाव से तीन वर्ष की अवधि के लिये अथवा उनकी 60 वर्ष की आयु होने तक, जो भी पहले हो, 7300-7600 रु. के वेतनमान में भारतीय मानक ब्यूरो के महा-निदेशक के पद पर नियुक्त करती है।

[सिद्धि सं. 2/8/95—पी.आई.एस.]

आर.एन. त्रिपाठी, अपर सचिव

MINISTRY OF FOOD AND CONSUMER AFFAIRS

(Department of Consumer Affairs)

New Delhi, the 17th July, 1997

S.O. 1881—In exercise of the powers conferred by Sub-section (1) of Section 7 of the Bureau of Indian Standards Act, 1986 (63 of 1986), the Central Government hereby appoints Shri P. S. Das, Additional Director General Bureau of Indian Standards, as Director General of the Bureau of Indian Standards, in the pay scale of Rs. 7300—7600, with immediate effect for a period of three years or till he attains the age of 60 years, whichever is earlier.

[File No. 2/8/95-BIS]

R. N. TRIPATHY, Under Secy.

1818 GI/97—3

ओ टी सी एक्सचेंज ऑफ इंडिया

नई दिल्ली, 21 जुलाई, 1997

का.आ. 1882—निम्नलिखित को सर्वसाधारण की जानकारी के लिए प्रकाशित किया जाता है :—

अनुबंध—III

ओटीसी एक्सचेंज ऑफ इंडिया की उप-विधियों के संबंध में राजपत्र अधिसूचना हेतु सामग्री

अध्याय II—अ.

“ओटीसीआईआई भारत में लिमिटेड कंपनियों जिनमें अन्य मान्यताप्राप्त स्टॉक एक्सचेंजों में सूचीबद्ध और/अथवा उगने व्यापार की जा रही कंपनियों भी शामिल हैं, द्वारा जारी की गयी किसी भी प्रकार की प्रतिभूतियों में सौदों की प्रोत्साहन और सहायता प्रदान करेगा, तथापि, परन्तु यह कि मौजूदा सूचीबद्ध कंपनियाँ और/अथवा 3 करोड़ रुपये तक की पूंजी आधारवाली एक्सचेंज में सूचीबद्धता चाहने वाली लघु तथा मध्यम आकार की कंपनियाँ, भारत में किसी अन्य स्टॉक एक्सचेंज में सूचीबद्धता के लिये पात्र नहीं होंगी”

“एक्सचेंज अपने प्रत्येक प्रतिभूति बाजार के किसी एक अथवा सभी श्रेणियों, जैसे—सूचीबद्ध, अनुमति प्राप्त, म्यूचुअल फंडों की प्रतिभूतियों की सूचीबद्धता और व्यापार, द्वितीयों की सूचीबद्धता और व्यापार, बॉन्ड, वारंटीबद्ध प्रतिभूतियों में व्यापार, उपलब्ध इनिट्टी/बॉन्ड के सीधे क्रय-विक्रय (टैप) का परिचालन, भावी सौदों तथा भाविष्य के लिये निकटों में व्यापार तथा गैर-व्यापारिक विपरीतप्रणय प्रतिभूतियों में व्यापार जैसा कि प्रतिभूति संविदा अधिनियम, 1956 की धारा 2(एच) में परिभाषित हो और जैसी भारतीय प्रतिभूति एवं विनियम बोर्ड द्वारा अनुमति दी जाये, में एक अथवा अधिक व्यापार खंड परिचालित कर सकता है।”

[ओ टी सी एन एण्ड एस 110 : 97]

द्वितीय ओटीसी एक्सचेंज आफ इंडिया

एम. पुष्पांगन, प्रबंध निदेशक

OTC EXCHANGE OF INDIA

New Delhi, the 21st July, 1997

Annexure III

S.O. 1882.—The following is published for general information :—

Material for Gazette Notification in respect of The bye-laws of OTC Exchange of India.

Chapter II-A :

“OTCEI shall promote and assist dealings in securities of any nature issued by the limited companies in India, including those listed and/or traded on the other recognised stock exchanges in India. Provided however, that the existing listed companies and/or small and medium sized companies with a capital base of upto Rs. 3 crores seeking listing on the Exchange shall not be eligible for listing on any other Stock Exchange in India”.

“The Exchange may operate one or more segments in each of its securities market in any or all of the categories such as listed, permitted, listing and trading of Units of mutual funds, listing and trading of debentures, bonds, trading in unlisted securities, operation of equity/bond on tap, trading in futures and options and trading in such other marketable securities as defined in Section 2 (h) of the Securities Contracts (Regulation) Act, 1956 as may be permitted by SEBI”.

[F. OTC : L&S : 10 : 97]

for OTC Exchange of India

M. PUSHPANGADAN, Managing Director

मानव संसाधन मंत्रालय

(शिक्षा विभाग)

नई दिल्ली, 4 जुलाई, 1997

का.आ.-----2 जनवरी, 1997 की समसंख्यक विभागीय अधिसूचना के पैराग्राफ 2 को निम्न प्रकार से पढ़ा जाये :—

“अरोविले प्रतिष्ठान अधिनियम, 1988 की धारा 12(3) के साथ पढ़ी जाने वाली धारा 11(1) (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित प्रबंध किये गये हैं :—

(i) शासी बोर्ड के पूर्व अध्यक्ष, डा. कंग सिंह इस निकाय के सदस्य के रूप में कार्य करने रहेंगे, तथा

(ii) श्रीमती शान्तादेवी एस. मालवाड़, प्रशान्त, मालवाड़ मार्ग कल्याण नगर, धारावाड़, कर्नाटक, जिन्हें अरोविले प्रतिष्ठान के शासी निकाय का सदस्य नियुक्त किया गया था, उन्हें निकाय के पूर्व सदस्य प्रो. मधुसूदन रेड्डी के निधन के कारण हुए रिक्त स्थान पर नियुक्त कर दिया गया है।

[सं. एफ. 27-30/94-यू. यू.]

के एस. शर्मा, अधीक्षक सचिव (आई. एन. सी.)

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Department of Education)

New Delhi, the 4th July, 1997

S.O. 1883.—Paragraph 2 of this Department's Notification of even number dated 2nd January, 1997 may be read as follows :—

“In exercise of the powers conferred by section 11(1)(i) read with Section 12(3) of the Auroville Foundation Act, 1988, the following arrangement are made :

(i) Dr. Karan Singh, former Chairman of the Governing Board, will continue as a member of this Board; and

(ii) Smt. Shantadevi S. Malwad, Prashant, Malwad Marg, Kalyan Nagar Dharwar, Karnataka, who has been appointed as a member of the Governing Board of Auroville Foundation is adjusted against the vacancy arising due to the demise of Prof. Madhusudan Reddy, former member of the Board.”

[No. F. 27-30/94-UU]

K. S. SHARMA, Under Secy. (INC)

कोयला मंत्रालय

नई दिल्ली, 27 जून, 1997

का.आ. 1884—केन्द्रीय सरकार, को यह प्रतीत होगा है कि इसमें उपाख्य अधिसूचना में उल्लिखित भाग में कोयला अधिनियम 1957 की संशोधना है ;

अतः, अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (उर्जन और विकास) अधिनियम, 1957 (1957 के 20) (जिसे इसने इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्णकषण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अन्तर्गत आने वाले रेखांक सं. एस.ई.सी.एल./बी.एस.पी./जी.एम.(पी.एल.जी.)/लेंड/183, तारीख 21 अप्रैल, 1997 का निरीक्षण कलक्टर, सरगुजा (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता-700001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लि. (राजस्व अनुभाग), सीपत रोड, बिलासपुर-495006 (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाले भूमि में, हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर भारसाधक अधिकारी/विभागाध्यक्ष (राजस्व), साउथ ईस्टर्न कोलफील्ड्स लि., सीपत रोड, बिलासपुर-495006 (मध्य प्रदेश) को भेजेंगे।

अनुसूची

कैतकी विवक्ष और भूमिगत परियोजना

रेहार कोलफील्ड

विश्रामपुर क्षेत्र

जिला-सरगुजा (मध्य प्रदेश)

रेखांक सं. : एस.ई.सी.एल./बी.एस.पी./जी.एम.(पी.एल.) जी./लेंड/183,

तारीख 21 अप्रैल, 1997

(पूर्वक्षण के लिये अधिसूचित भूमि दर्शाती हुई)

क्र.सं.	ग्राम का नाम	ग्राम सं.	पटवारी हल्का सं.	तहसील	जिला	क्षेत्र हैक्टर में	टिप्पणियां
1.	ओबगा	275	45	सूरजपुर	सरगुजा	303.190	भाग
2.	कैतका	61	45	सूरजपुर	सरगुजा	850.200	भाग
3.	लाछा	400	45	सूरजपुर	सरगुजा	405.100	भाग
4.	आरक्षित वन	—	—	—	—	391.675	भाग

योग : 1950.165 हेक्टर (लगभग)

या

4818.86 (एकड़ (लगभग))

सीमा वर्णन :—

क-ख-ग	रेखा आमगांव और कैतका ग्रामों की सम्मिलित सीमा पर बिन्दु "क" से आरम्भ होती है, फिर ग्राम कैतका से होकर जाती है और बिन्दु "ग" पर मिलती है।
ग-घ	रेखा ग्राम ओबगा फिर आरक्षित वन से होकर जाती है और बिन्दु "घ" पर मिलती है।
घ-ङ	रेखा आरक्षित वन से होकर फिर लाछा ग्राम से होकर जाती है और बिन्दु "ङ" पर मिलती है।
ङ-क	रेखा ग्राम लाछा से होकर फिर आरक्षित वन-कैतका ग्राम, आमगांव कैतका ग्राम की सम्मिलित सीमा के साथ-साथ जाती है और आरम्भिक बिन्दु "क" पर मिलती है।

[फा.सं. 43015/7/97-एल.एस.डब्ल्यू]

श्रीमती प्रेमलता मैत्री, अवर सचिव

MINISTRY OF COAL

New Delhi, the 27th June, 1997

S.O. 1884.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed.

Now therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development), Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. SECL/BSP/GM(PLG)/LAND/183, dated the 21st April, 1997 of the area covered by this Notification can be inspected in the Office of the Collector, Surguja (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta-700 001 or in the Office of the South Eastern Coalfields Limited (Revenue Department) Seepat Road, Bilaspur-495 006 (Madhya Pradesh).

All persons interested in the land covered by this notification shall deliver all maps, charts and other any documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-charge/Head of the Department (Revenue), South Eastern Coalfields Limited, Seepat Road, Bilaspur—495 006 (Madhya Pradesh) within ninety days from the date of publication of this Notification.

SCHEDULE

KETKI OPEN CAST AND UNDERGROUND PROJECT

REHAR COALFIELDS

BISRAMPUR AREA

DISTRICT—SURGUJA (MADHYA PRADESH)

Plan No. SECL/BSP/GM(PLG)/LAND/183

Dated 21st April, 1997.

(Showing land Notified for prospecting)

Serial Number	Name of Village	Village Number	Patwari Halka Number	Tahsil	District	Area in Hectares	Remarks
1.	Jobga	275	45	Surajpur	Surguja	303.190	Part
2.	Ketka	61	45	Surajpur	Surguja	850.200	Part
3.	Lachha	400	45	Surajpur	Surguja	405.100	Part
4.	Reserved Forest	—	—	—	—	391.675	Part

TOTAL : 1950.165 Hectares (Approximately) OR

4818.86 Acres (approximately).

BOUNDARY DESCRIPTION :

A-B-C Line starts from point 'A' on the common boundary of village Amgaon and Ketka, then passes through village Ketka and meets at point 'C'.

C-D Line passes through village Jobga then reserved forest and meets at point 'D'.

D-E Line passes through reserved forest then through Lachha village and meets at point 'E'.

E-A Line passes through village Lachha then along the common boundary of reserved forest—Ketka village. Amgaon—Ketka village and meets the starting at point 'A'.

[No. 43015/7/97-LW]

Mrs. P. L. SAINI, Under Secy.

दई दिल्ली, 16 जुलाई, 1997

का.प्रा. 1885—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) के अधीन जारी भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) तारीख 15 जून, 1996 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. का.प्रा. सं. 1751 तारीख 15 मई, 1996 द्वारा इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 429.124 हेक्टर (लगभग) या 1060.36 एकड़ (लगभग) है, कोयले का पूर्वोक्षण करने के अपने आशय की सूचना दी थी;

और केन्द्रीय सरकार, की यह समाधान हो गया है कि उक्त भूमि में कोयला अभिप्राप्त है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इससे संलग्न अनुसूची में वर्णित 429.124 हेक्टर (लगभग) या 1060.36 एकड़ (लगभग) माप की भूमि में खनिजों के खनन, खदान, बोर करने, खुदाई करने, और तलाश करने उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकारों का अर्जन करने के अपने आशय की सूचना देती है।

टिप्पण : 1. इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं. एम.ई.सी.एल./बी.एस.पी./जी.एम.(पी.एल.जी.)/भूमि/178 तारीख 17 दिसम्बर, 1996 का निरीक्षण कलक्टर, बिलासपुर (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, कार्डसिल हाउस स्ट्रीट, कलकत्ता-700001 के कार्यालय में या साउथ ईस्टर्न कोयलील्स लि. (राज्य अनुभाग) सीत रोड, बिलासपुर-495006 (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

टिप्पण : 2. उक्त अधिनियम की धारा 8 के उपबन्धों की ओर ध्यान आकृष्ट किया जाता है, जिनमें निम्नलिखित उपबन्ध हैं :—

अर्जन के प्रति आक्षेप —

“(1) कोई व्यक्ति जो किसी भूमि में जिनकी वास्तव धारा 7 के अधीन अधिसूचना जारी की गई है, हितवश है, अधिसूचना के जारी किये जाने से तत्पश्चात् के भीतर सम्पूर्ण भूमि या उसने किसी भाग या ऐसी भूमि में या उस पर के बिना किसी अधिकारी का अर्जन बिना जाने के बाध में आपत्ति कर सकेगा;

स्पष्टीकरण :—इस धारा के अन्तर्गत यह आपत्ति नहीं मानी जायेगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिये स्वयं खनन संक्रियाएं करना चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करना चाहिये।

(2) उपधारा (i) के अधीन प्रत्येक आपत्ति, सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (i) के अधीन अधिगृहीत भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उनके द्वारा की गई कार्यवाही अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिये देगा।

(3) इस धारा के प्रयोजन के लिये वह व्यक्ति किसी भूमि में हितवश समझा जायेगा जो प्रतिकर में हित का दावा करने का हकदार होता यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिये जाते हैं।”

टिप्पण : 3. केन्द्रीय सरकार ने भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii) तारीख 4 अप्रैल, 1987 में पृष्ठ 1397 से 1400 पर प्रकाशित अधिसूचना सं. का.आ. 905 तारीख 20 मार्च, 1987 द्वारा कोयला नियंत्रक, 1, कार्डसिल हाउस स्ट्रीट, कलकत्ता-700001 को उक्त अधिनियम की धारा 3 के अधीन सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची

ढेलवाडीह प्रथम विस्तार ब्लॉक

कोरवा कोल फील्ड्स

जिला—बिलासपुर (मध्य प्रदेश)

(भूमि अर्जन के लिये आग्रह दर्शित करते हुए)

खनन अधिकार

ब्लॉक—क

क्र.सं.	ग्राम का नाम	पटवारी हल्का सं.	तहसील	जिला	हैक्टर में क्षेत्र	टिप्पणियां
1	2	3	4	5	6	7
1.	अभयपुर	41	कटघोरा	बिलासपुर	14.569	भाग
2.	ढबढब	42	कटघोरा	बिलासपुर	16.997	भाग
3.	अरवा	48	कटघोरा	बिलासपुर	198.992	भाग
4.	हराभाठा	48	कटघोरा	बिलासपुर	17.677	भाग
5.	भेजीनारा	48	कटघोरा	बिलासपुर	133.966	भाग
6.	सिधाली	41	कटघोरा	बिलासपुर	18.595	भाग
योग :					400.796 हैक्टर	(लगभग)

1. ग्राम अभयपुर (भाग) में अर्जित किये जाने वाले प्लॉट संख्यांक 34 (भाग)

2. ग्राम ठबठब (भाग) में अर्जित किये जाने वाले प्लॉट सं. 395 (भाग)

3. ग्राम अरदा (भाग) में अर्जित किये जाने वाले प्लॉट सं.

39, 40, 41(भाग), 42(भाग), 83(भाग), 84, 85, 86(भाग), 87(भाग), 161(भाग), 163(भाग), 166(भाग), 167(भाग), 169(भाग), 170 से 173, 174(भाग), 175 से 177, 178(भाग), 179(भाग), 180(भाग), 182 से 195, 196/1, 196/2, 197 से 203, 204(भाग), 205 से 214, 215(भाग), 216(भाग), 217(भाग), 224 (भाग), 240(भाग), 243(भाग), 244 से 284, 285(भाग), 286, 287/1, 287/2, 288, 289, 290(भाग), 291(भाग), 295(भाग), 296 (भाग), 297(भाग), 299(भाग), 320(भाग), 324(भाग), 325 से 344, 345 (भाग), 346, 347, 348(भाग), 349(भाग), 350 (भाग), 351, 352, 353(भाग), 354 से 367, 368 (भाग), 369, 370, 371(भाग), 372 (भाग), 373(भाग), 374(भाग), 376(भाग), 377(भाग), 378(भाग), 379(भाग), 383(भाग), 384(भाग), 547(भाग), 551(भाग), 552(भाग), 560 (भाग), 920(भाग)।

4. ग्राम हरभाठा (भाग) में अर्जित किये जाने वाले प्लॉट सं.

2(भाग), 3(भाग), 4(भाग), 10(भाग), 11(भाग), 12(भाग), 13, 14, 24 (भाग), 164(भाग), 199(भाग), 203 (भाग), 204(भाग), 205, 206, 207(भाग), 208(भाग), 209 से 236, 237(भाग), 238(भाग), 239 से 245, 246(भाग), 247(भाग), 248(भाग), 250, 251(भाग), 255(भाग)।

5. ग्राम भेजीनारा (भाग) में अर्जित किये जाने वाले प्लॉट सं.

1/1(भाग), 2, 3, 4(भाग), 5, 6, 7(भाग), 9(भाग), 10, 11(भाग), 24(भाग), 54(भाग), 57।

6. ग्राम सिघाली (भाग) में अर्जित किये जाने वाले प्लॉट सं.

93/1(भाग), 94, 95(भाग), 96, 97(भाग)।

सीमा वर्णन

क-क1-क2 : रेखा, ग्राम ठबठब, अभयपुर, भेजीनारा के तिराहा पर बिन्दु “क” से आरंभ होती है और प्लॉट सं. 395 से होते हुए ग्राम ठबठब से होकर जाती है तब प्लॉट सं. 217 की उत्तरी सीमा के साथ भागतः अरदा ग्राम में प्रवेश करती है। तब प्लॉट सं. 41, 42, 217, 83, 87, 86, 161, 163, 169, 167, 166, 174, 178, 179, 180, 560, से होते हुए “क” बिन्दु पर मिलती है।

क2-ख : रेखा प्लॉट सं. 186 की पूर्वी सीमा के साथ भागतः ग्राम अरदा से होकर जाती है, तब प्लॉट सं. 552, 551, 547, 345, 348, 349, 353, 350, 374, 373, 372, 371, 377, 376, 377, 368, 378, 379, 383, 384, 324, 320, 299, 297, 296, 295, 285, 291, 290, 920 से होते हुए तब ग्राम हरभाठा में प्रवेश करती है और प्लॉट सं. 237, 238, 251, 164, 255, 164 से होकर जाती है और “ख” बिन्दु पर मिलती है।

ख-ख1-ख2 : रेखा ग्राम हरभाठा में प्लॉट सं. 164, 248, 247, 246, 208, 207, 199, 204, 203, 24, 12, 11, 10, 4, 3, 2 से होकर जाती है, तब ग्राम अरदा में प्रवेश करती है प्लॉट सं. 243, 240, 215, 240, 216, 224, 204 से होते हुए जाती है और ग्राम अरदा भेजीनारा की सम्मिलित सीमा के “ख2” बिन्दु पर मिलती है।

ख2-ख3-ख4-ग-क : रेखा प्लॉट सं. 1/1 की दक्षिणी सीमा ग्राम भेजीनारा में जाती है तब प्लॉट सं. 1/1, 54, 1/1, 4, 7, 9, 11, 24 से होते हुए तब ग्राम सिघाली में प्रवेश करती है और प्लॉट सं. 97, 95, 93/1, से होते हुए जाती है तब ग्राम अभयपुर में आगे बढ़ती है और प्लॉट सं. 34 से होकर जाती है और आरम्भिक बिन्दु “क” पर मिलती है।

जारी अनुसूची

खनन अधिकार

ब्लॉक—ख

क्रम सं.	ग्राम का नाम	पटवारी हल्का सं.	तहसील	जिला	हेक्टर में क्षेत्र	टिप्पणियां
1.	अभयपुर	41	कटघोरा	बिलासपुर	25.496	भाग
2.	हेलवाडीह	42	कटघोरा	बिलासपुर	2.832	भाग

योग : 28.328 हेक्टर

कुल योग 429.124 हेक्टर (लगभग) या 1060.36 एकड़ (लगभग)

1. ग्राम अभयपुर (भाग) में अजित किये जाने वाले प्लॉट सं. 1(भाग), 2, 3(भाग), 4, 5(भाग), 28(भाग), 29(भाग), 30(भाग), 31 से 33, 34(भाग), 145(भाग)।
2. ग्राम हेलवाडीह (भाग) में अजित किये जाने वाले प्लॉट सं. 78/1 (भाग)

सीमा वर्णन

- घ-घ1 : रेखा ग्राम अभयपुर में "घ" बिन्दु से आरंभ होती है और प्लॉट सं. 1, 34 से होकर जाती है और ग्राम अभयपुर हेलवाडीह की सम्मिलित सीमा के "घ" बिन्दु पर मिलती है।
- घ1-घ-च : रेखा प्लॉट सं. 78/1 से होते हुए ग्राम हेलवाडीह से होकर जाती है और ग्राम हेलवाडीह, अभयपुर की सम्मिलित सीमा पर बिन्दु "च" पर मिलती है।
- च-छ-घ : रेखा ग्राम अभयपुर से होते हुए प्लॉट सं. 34, 30, 29, 28, 1, 5, 5, 3, 1, 145, 1 होते हुए जाती है और आरंभिक बिन्दु "घ" पर मिलती है।

[सं. 43015/2/96-एल.एस.डब्ल्यू.]

श्रीमती पी.एल. सीनी, अवर सचिव

New Delhi, the 16th July, 1997

S.O. 1885.—Whereas by the Notification of the Government of India in the Ministry of Coal number S.O. 1751 dated the 15th May, 1996 issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in Part-II, Section 3, Sub-section (ii) of the Gazette of India, dated 15th June, 1996, the Central Government gave notice of its intention to prospect for Coal in 429.124 hectares (approximately) or 1060.36 Acres (approximately) of the lands in the locality specified in the schedule annexed to that notification;

And whereas the Central Government is satisfied that coal is obtainable in the said lands;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 429.124 hectares (approximately) or 1060.36 acres (approximately) described in the Schedule appended hereto:

NOTE : 1.—The Plan Bearing No. : SECL/GM-(PLG)[Land]178 dated the 17th December, 1996 of the area covered by this notification may be inspected in the office of the Collector, Bilaspur (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta-700 001 or in the Office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495006 (Madhya Pradesh).

Note 2 :—Attention is hereby invited to the provisions of section 8 of the said Act, which provides as follows:—

OBJECTION TO ACQUISITION:

"8 (1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land;

Explanation:—It shall not be an objection within the meaning of this Section for any person to say that he himself desires to undertake mining operations in the land for the

production of coal and that such operations should not be undertaken by the central government or by any other person.

- (2) Every objection under sub-section (1) shall be made in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on

the objections, together with the record of the proceedings held by him, for the decision of that Government.

- (3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act".

NOTE: 3.—The Coal Controller, 1. Council House Street, Calcutta-700 001, has been appointed by the Central Government as the competent authority under section 3 of the said Act, vide notification number S.O. 905, dated the 20th March, 1987, published in Part II, Section 3, sub-section (ii) of the Gazette of India, dated the 4th April, at pages 1397 to 1400.

SCHEDULE

DHELWADIH 1ST EXTENSION BLOCK KORBA COALFIELD

DISTRICT-BILASPUR (MADHYA PRADESH) MINING RIGHTS

BLOCK-A (Showing intention to acquire lands)

Serial Number	Name of Village	Patwari Halka Number	Tahsil	District	Area in Hectares	Remarks
1.	Abhaipur	41	Katghora	Bilaspur	14.569	Part
2.	Dhabdhab	42	Katghora	Bilaspur	16.997	Part
3.	Arda	48	Katghora	Bilaspur	198.992	Part
4.	Harrabhatha	48	Katghora	Bilaspur	17.677	Part
5.	Bholinara	48	Katghora	Bilaspur	133.966	Part
6.	Singhali	41	Katghora	Bilaspur	18.595	Part
TOTAL :					400.796	Hectares (approximately)

1. Plot number to be acquired in village Abhaipur Part 34 (Part).

2. Plot number to be acquired in village Dhabdhab (Part) 395 (Part).

3. Plot numbers to be acquired in village Arda (Part) 39, 40, 41 (Part), 42 (Part), 83 (Part), 84, 85, 86 (Part), 87 (Part), 161 (Part), 163 (Part), 166 (Part), 167 (Part), 169 (Part), 170 to 173, 174 (Part), 175 to 177, 178 (Part), 179 (Part), 180 (Part), 182 to 195, 196/1, 196/2, 197 to 203, 204 (Part), 205 to 214, 215 (Part), 216 (Part), 217 (Part), 224 (Part), 240 (Part), 243 (Part), 244 to 284, 285 (Part), 286, 287/1, 287/2, 288, 289, 290 (Part), 291 (Part), 295 (Part), 296 (Part), 297 (Part), 299 (Part), 320 (Part), 324 (Part), 325 to 344, 345 (Part), 346, 347, 348 (Part), 349 (Part), 350 (Part), 351, 352, 353 (Part), 354 to 367, 368 (Part), 369, 370, 371 (Part), 372 (Part), 373 (Part), 374 (Part), 376 (Part), 377 (Part), 378 (Part), 379 (Part), 383 (Part), 384 (Part), 547 (Part), 551 (Part), 552 (Part), 560 (Part), 920 (Part).

4. Plot numbers to be acquired in village Harrabhatha (Part) 2 (Part), 3 (Part), 4 (Part), 10 (Part), 11 (Part), 12 (Part), 13, 14, 24

(Part), 164 (Part), 199 (Part), 203 (Part), 204 (Part), 205, 206, 207 (Part), 208 (Part), 209 to 236, 237 (Part), 238 (Part) 239 to 245, 246 (Part), 247 248 (Part), 250, 251 (Part), 255 (Part).

5. Plot numbers to be acquired in village Bhejinara (Part), 1/1 (Part), 2, 3, 4 (Part), 5, 6, 6, 7 (Part), 9 (Part), 10, 11 (Part), 24 Part), 54 (Part), 57.

Plot number to be acquired in village Singhali (Part), 93/1 (Part), 94, 95 (Part), 96, 97 (Part).

BOUNDARY DESCRIPTION.

A-A1-AA2 Line start from point 'A' on Tri-junction of villages Dhabdhab, Abhaipur Bhejinara and passes through Dhabdhab village through plot number 395 then enter in village Arda partly along the northern boundary of plot number 217 then through plot numbers 41, 42, 217, 83, 87, 86, 161, 163, 169, 167, 166, 174, 178, 179, 180, 560 and meets at point 'A2'.

A2-B Line passes through village Arda partly along the eastern boundary of plot number 186, then through plot numbers 552, 551, 547, 345, 348, 349, 353, 350, 374, 373, 372, 371, 377, 376, 377, 368, 378, 379,

383, 384, 324, 320, 299, 121, 297, 296, 295, 285, 291, 290, 920 then enter in village Harrabhatha and passes through plot numbers 237, 238, 251, 164, 255, 164 and meets at point 'B'.

B1-B2. Line passes in village Harrabhatha through plot numbers 164, 248, 247, 246, 208, 207, 199, 204, 203, 24, 12, 11, 10, 4, 3, 2 then enter in village Arda passes through plot numbers 243, 240, 215, 240, 216, 224, 204 and meets on the common bound-

dary of villages Arda-Bhejinara at point 'B2'.

B2-B3-B4-C-A. Line passes in village Bhejinara Southern Boundary of plot numbers 1/1, then through plot numbers 1/1, 54, 1/1, 4, 7, 9, 11, 24 then enter in village Singhali and passes through plot numbers 97, 95, 93/1, then proceeds in village Abhaipur and passes through plot number 34 and meets at the starting point at 'A'.

SCHEDULE CONTINUE

MINING RIGHTS BLOCK—B

Sl, No,	Name of Village	Patwari Halka Number	Tahsil	Distriet	Area in hectares	Remarks
1.	Abhaipur	41	Katghora	Bilaspur	25.496	Part
2.	Dhelwadiah	42	Katghora	Bilaspur	2.832	Part

TOTAL : 48.328 Hectares

GRAND TOTAL : 4.29 124 Hectares (approximately) OR
1060,36 Acres (approximately)

- Plot numbers to be acquired in village Abhaipur (Part) 1 (Part), 2, 3 (Part), 4, 5 (Part), 28 (Part), 29 (Part), 30 (Part), 31 to 33, 34 (Part), 145 (Part).
- Plot number to be acquired in village Dhelwadiah (Part), 78 (Part).

villages Abhaipur—Dhelwadiah at point 'D1'.

D1-E-F. Line passes through village Dhelwadiah through plot number 78/1 and meets on the common boundary of villages Dhelwadiah-Abhaipur and meets at point 'F'.

F-G-D. Line passes through village Abhaipur through plot numbers 34, 30, 29, 28, 1, 5, 3, 1, 145, 1 and meets on the starting at point 'D'.

BOUNDARY DESCRIPTION :

D-D1 Line starts from point 'D' in village Abhaipur and passes through plot numbers 1, 34 and meets on the common boundary of

[No. 43015/2/96-LSWI
MRS. P. L. SAINI, Under Secy.

नई दिल्ली, 21 जुलाई, 1997

का.आ. 1886 :—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किये जाने की संभावना है;

अतः, अब, केन्द्रीय सरकार, कोयला धरक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पर्वक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अन्तर्गत आने वाले रेखांक सं. सी-1(ई)/III/एफ. आर./624-0497, तारीख 3 अप्रैल, 1997 का निरीक्षण वेस्टर्न कोलफील्ड्स लि., (राजस्व विभाग) कोल इस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) के कार्यालय में या कलक्टर, नागपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में, हितबद्ध सभी व्यक्ति, उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चाटों और अन्य दस्तावेजों को इस अधिसूचना के प्रकाशन की तारीख से नब्बे दिन के भीतर भारसाधक अधिकारी/विभागाध्यक्ष (राजस्व), वेस्टर्न कोलफील्ड्स लि., कोल एस्टेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) को भेज सकेंगे।

अनुसूची

खापा ब्लाक

नागपुर क्षेत्र

जिला नागपुर (महाराष्ट्र)

(रेखांक सं. सी-1(ई)/III/एफ.आर./624-0497, तारीख 3 अप्रैल, 1997)

क्रम सं.	ग्राम का नाम	पटवारी सर्किल सं.	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणी
1.	खापा	1	कम्पटी	नागपुर	200.00	भाग
2.	दहेगांव	13	सन्नोनेर	नागपुर	240.00	भाग
3.	बिड-कवडस	52	सन्नोनेर	नागपुर	50.00	भाग
4.	पिपला	52	सन्नोनेर	नागपुर	180.00	भाग
5.	रनाला	53	सन्नोनेर	नागपुर	242.00	भाग

कुल क्षेत्र :

912.00 हेक्टेयर (लगभग)

या 2253.64 एकड़ (लगभग)

सीमा वर्णन :

- क-ख : रेखा बिन्दु "क" से आरंभ होती है और बिड-कवडस तथा कवडस, पिपला तथा कवडस ग्रामों की सम्मिलित सीमा के साथ-साथ जाती है तथा बिन्दु "ख" पर मिलती है।
- ख-ग-घ : रेखा पिपला, दहेगांव, रनाला ग्रामों से होकर जाती है और बिन्दु "घ" पर मिलती है।
- घ-ङ : रेखा रनाला और चन्दकापुर ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और बिन्दु "ङ" पर मिलती है।
- ङ-च : रेखा दहेगांव तथा खापा ग्रामों से होकर जाती है और बिन्दु "च" पर मिलती है।
- च-क : रेखा खापा तथा बिड-कवडस ग्रामों से होकर जाती है और आरंभिक बिन्दु "क" पर मिलती है।

[फा.सं. 43015/9/97-एल. डब्ल्यू]

श्रीमती प्रेम लता सैनी, अवर सचिव

New Delhi, the 21st July, 1997

S.O. 1886.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No. C-1 (E) III/FR/624-0497 dated the 3rd April, 1997 of the area covered by this notification can be inspected in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) or in the office of the Collector, Nagpur (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification may deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue), Western Coalfields Limited, Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra) within ninety days from the date of publication of this notification.

SCHEDULE

KHAPA BLOCK

NAGPUR AREA

DISTRICT NAGPUR (MAHARASHTRA)

(Plan No. C-1 (E) III/FR/624-0497 dated the 3rd April, 1997)

Sl. No.	Name of Village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1.	Khapa	1	Kamptee	Nagpur	200.00	Part
2.	Dahegaon	13	Saoner	Nagpur	240.00	Part
3.	Bid-Kawadas	52	Saoner	Nagpur	50.00	Part
4.	Pipla	52	Saoner	Nagpur	180.00	Part
5.	Ranala	53	Saoner	Nagpur	242.00	Part

Total area : 912.00 hectares (approximately)
or 2253.64 acres (approximately)

Boundary descriptions :

- A—B : Line starts from point 'A' and passes along the common boundary of villages Bid-Kawadas and Kawadas, Pipla and Kawadas and meets at point 'B'.
- B—C—D : Line passes through villages Pipla, Dahegaon, Ranala and meets at point 'D'.
- D—E : Line passes along the common village boundary of villages Ranala and Chandkapur and meets at point 'E'.
- E—F : Line passes through villages Dahegaon and Khapa and meets at point 'F'.
- F—A : Line passes through villages Khapa and Bid-Kawadas and meets at starting point 'A'.

[F. No. 43015/9/97-LW]

Mrs. P. L. SAINI, Under Secy.

शहरी कार्य और रोजगार मंत्रालय

(शहरी विकास विभाग)

(दिल्ली विभाग)

नई दिल्ली, 7 जुलाई, 1997

का.अ. 1887—यतः निम्नांकित क्षेत्रों के बारे में कुछ संशोधन, जिन्हें केन्द्रीय सरकार अधोबणित क्षेत्रों के बारे में दिल्ली बृहद योजना/क्षेत्रीय विकास योजना में प्रस्तावित करती है तथा जो दिल्ली विकास अधिनियम, 1956 (1957 का 61) की धारा 44 के प्रावधानों के अनुसार दिनांक 3-8-96 के नोटिस संख्या एफ-20(5) 94-एमपी द्वारा प्रकाशित किये गये थे जिसमें उप अधिनियम की धारा 11-ए के उप नियम (3) में अपेक्षित आपत्तियाँ/सुझाव, उक्त नोटिस की तारीख के 30 दिन की अवधि में आमंत्रित किये गये थे।

और यतः प्रस्तावित संशोधनों के बारे में कोई आपत्तियाँ/सुझाव प्राप्त नहीं हुए और यतः मामले के सभी पहलुओं पर सावधानी पूर्वक विचार करने के पश्चात् केन्द्र सरकार ने मास्टर प्लान में संशोधन करने का निर्णय लिया है।

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 11-ए की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत के राजपत्र में इस अधिसूचना के प्रकाशन की तारीख में दिल्ली की उक्त बृहद योजना में एतद्वारा निम्नलिखित संशोधन करती है :—

संशोधन :—जोन "बी" में स्यूटन के बंगले वाले जोन में पड़ने वाले 0.329 हेक्टेयर (0.813 एकड़) क्षेत्र का, जो उत्तर में कापनिक्स लेन, पूर्व में कापनिक्स मार्ग, दक्षिण में केनिंग लेन और पश्चिम में विद्यमान बंगला सं. 20 से घिरा है, शू-उपयोग "सार्वजनिक और सार्वजनिक सुविधाएँ" से बदल कर "एफएचएर का 150 और 20 मीटर अधिकतम ऊँचाई की जमीन पर "सरकारी कार्यालय" किया जाता है।"

[सं. के-13011/7/94-डीडी I-बी]

के.के. गुप्ता, प्रवर सचिव

MINISTRY OF URBAN AFFAIRS & EMPLOYMENT
(Department of Urban Development)

(Delhi Division)

New Delhi, the 7th July, 1997

S.O. 1887.—Whereas certain modification which, the Central Government proposed to make in the Master Plan for Delhi/Zonal Development Plan regarding the area men-

tioned hereunder were published with Notice No. 20(5)94-MP dated 3-8-96 in accordance with the provisions of Section 44 of the Delhi Development Act, 1956 (61 of 1957) inviting objections/suggestions as required by sub-section (3) of Section 11-A of the said Act, within thirty days from the date of the said notice ;

Whereas no objections/suggestions were received with regard to the proposed modification and whereas the Central Government have, after carefully considering all aspects the matter, decided to modify the Master Plan;

Now therefore, in exercise of the powers conferred by sub-section (2) of Section 11-A of the said Act, the Central Government hereby makes the following modification in the said Master Plan for Delhi with effect from the date of publication of this Notification in the Gazette of India.

MODIFICATION

"The land use of an area measuring 0.329 ha. (0.813 acres) falling in Lutyen's Bunglow Zone 'D' bounded by Copernicus Lane in the North, Copernicus Marg. in the East, Canning Lane in the South and the existing Bunglow No. 20 in the West in changed from "public and semi-public facilities to 'Government Offices' subject to an FAR of 150 and maximum height of 20 mtrs."

[No. K-13011/7/94-DDIB]
K. K. GUPTA, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 16 जुलाई, 1997

का. घा. 1888.—भारतीय चिकित्सा केन्द्रीय परिषद् अधिनियम, 1970 (1970 का 48) की धारा 14 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार परामर्श करने के पश्चात्, कथित अधिनियम की दूसरी सूची में और आगे निम्नलिखित संशोधन करती है, अर्थात् :—

कथित सूची में, भाग I में, "पंजाब" शीर्ष के अन्तर्गत क्रम सं. 83, के सामने, कालम (4) में शब्दों और अंकों के स्थान पर शब्द और अंक "केवल 1992 तक" रखे जाएंगे।

[सं. बी.-26015/6/94-एई/पी और सी]

कमल दास, अव्वर सचिव

टिप्पणी :—भारतीय चिकित्सा केन्द्रीय परिषद् अधिनियम, 1970 (1970 का 48), भारत के राष्ट्रपति में अधिसूचना सं. 2994, दिनांक 10-08-1971, में कथित अधिनियम के एक अंश-रूप में प्रकाशित हुआ था और बाद में :—

(1) अधिसूचना सं. 2994 दिनांक 10-8-1971 द्वारा संशोधित किया गया।

भारतीय चिकित्सा केन्द्रीय परिषद् अधिनियम, 1970 (1970 का 48) की दूसरी और चौथी सूची के बाद में निम्नलिखित के अन्तर्गत संशोधन किया गया :—

1. सा. का. सं. 4069 दिनांक 30-11-1979
2. सा. का. सं. 2635 दिनांक 18-9-1980

3. सा. का. सं. 2323 दिनांक 20-8-1981
4. सा. का. सं. 2314 दिनांक 22-8-1981
5. सा. का. सं. 137 दिनांक 24-12-1981
6. सा. का. सं. 638 दिनांक 25-1-1982
7. सा. का. सं. 661 दिनांक 2-2-1982
8. सा. का. सं. 973 दिनांक 20-2-1982
9. सा. का. सं. 354-ई दिनांक 6-5-1983
10. सा. का. सं. 3550 दिनांक 5-9-1983
11. सा. का. सं. 804-ई दिनांक 11-11-1983
12. सा. का. सं. 462-ई दिनांक 23-6-1984
13. सा. का. सं. 1911 दिनांक 17-4-1985
14. सा. का. सं. 2745 दिनांक 29-5-1985
15. सा. का. सं. 3404 दिनांक 5-7-1985
16. सा. का. सं. 4057 दिनांक 14-8-1985
17. सा. का. सं. 5603 दिनांक 2-12-1985
18. सा. का. सं. 5671 दिनांक 5-12-1985
19. सा. का. सं. 822 दिनांक 17-2-1986 द्वारा शामिल किया गया
20. सा. का. सं. 1832 दिनांक 16-4-1986 द्वारा शामिल किया गया
21. सा. का. सं. 627 दिनांक 2-2-1987
22. सा. का. सं. 760 दिनांक 25-2-1987
23. सा. का. सं. 1030 दिनांक 30-3-1987
24. सा. का. सं. 1946 दिनांक 9 जुलाई, 1987
25. सा. का. सं. 3186 दिनांक 30 अक्टूबर, 1987
26. सा. का. सं. 1697 दिनांक 16 अप्रैल, 1988
27. सा. का. सं. 1504 दिनांक 22 अप्रैल, 1988
28. सा. का. सं. 1040 दिनांक 6 अप्रैल, 1988
29. सा. का. सं. 1910 दिनांक 21 जुलाई, 1989
30. सा. का. सं. 2177 दिनांक 14 अगस्त, 1989
31. सा. का. सं. 2594 दिनांक 21 सितम्बर, 1989
32. सा. का. सं. 989 दिनांक 29 नवम्बर, 1989
33. सा. का. सं. 2552 दिनांक 22 अगस्त, 1990
34. सा. का. सं. 3246 दिनांक 31 अक्टूबर, 1990
35. सा. का. सं. 2669 दिनांक 29 अगस्त, 1991
36. सा. का. सं. 630 दिनांक 17 जनवरी, 1992
37. सा. का. सं. 1435 दिनांक 7 मई, 1992

MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 16th July, 1997

S.O. 1888.—In exercise of the powers conferred by sub-section (2) of the Section 14 of the Indian Medicine Central Council Act, 1970 (48 of 1970), the Central Government after consulting the following further amendment in the Second Schedule to the said Act, namely :—

In the said Schedule, in Part I, under heading "Punjab", against serial number 83, in column (4), for the words and figures "Batches upto 1986-87" the words and figures "upto 1992 only" shall be substituted.

[No. V. 26015/6/94-AE/P&C]
KANWAL DAS, Under Secy.

Note :—The Second Schedule to the Indian Medicine Central Council Act, 1970 (48 of 1970) was published as a part of the said Act, in Gazette of India vide notification number 2994, dated 10-8-1971, and subsequently amended by :—

(1) Notification number 2994, dated 10-8-1971.

Note :—The Second Schedule and Fourth Schedule to the Indian Medicine Central Council Act, 1970 (48 of 1970) has been subsequently amended vide :—

1. S.O. No. 4068, dated the 30th November, 1979.
2. S.O. No. 2635, dated the 18th September, 1980.
3. S.O. No. 2323, dated the 20th August, 1981.
4. S.O. No. 2314, dated the 22nd August, 1981.
5. S.O. No. 137, dated the 24th December, 1981.
6. S.O. No. 638, dated the 25th January, 1982.

7. S.O. No. 661, dated the 2nd February, 1982.
8. S.O. No. 973, dated the 20th February, 1982.
9. S.O. No. 354(E), dated the 6th May, 1983.
10. S.O. No. 3550, dated the 5th September, 1983.
11. S.O. No. 804(E), dated the 11th November, 1983.
12. S.O. No. 462(E), dated the 23rd June, 1984.
13. S.O. No. 1911, dated the 17th April, 1985.
14. S.O. No. 2745, dated the 29th May, 1985.
15. S.O. No. 3404, dated the 5th July, 1985.
16. S.O. No. 4057, dated the 14th August, 1985.
17. S.O. No. 5603, dated the 2nd December, 1985.
18. S.O. No. 5671, dated the 5th December, 1985.
19. Inserted by S.O. No. 822, dated 17-2-86
20. Inserted by S.O. No. 1832, dated 16-4-86.
21. S.O. No. 627, dated the 2nd February, 1987.
22. S.O. No. 760, dated the 25th February, 1987.
23. S.O. No. 1030, dated the 30th March, 1987.
24. S.O. No. 1946, dated the 9th July, 1987.
25. S.O. No. 3186, dated the 30th October, 1987.

26. S.O. No. 1697, dated the 18th April, 1988.

27. S.O. No. 1504, dated the 22nd April, 1988.

28. S.O. No. 1040, dated the 6th April, 1989.

29. S.O. No. 1910, dated the 21st July, 1989.

30. S.O. No. 2177, dated the 14th August, 1989.

31. S.O. No. 2594, dated the 21st September, 1989.

32. S.O. No. 969, dated the 29th November, 1989.

33. S.O. No. 2552, dated the 22nd August, 1990.

34. S.O. No. 3246, dated the 31st October, 1990.

35. S.O. No. 2669, dated the 29th August, 1991.

36. S.O. No. 620, dated the 17th January, 1992.

37. S.O. No. 1435, dated the 7th May, 1992.

मुरगांव मोदी कामगार (रोजगार का विनियमन) स्कीम, 1965 की रोजगार प्रशासनिक देख-रेख के प्रयोजन से मुरगांव गोदी कामगार बोर्ड के उपाध्यक्ष को प्रशासनिक निकाय के रूप में नियुक्त करती है।

2. उपाध्यक्ष निम्नलिखित प्रतिबंधों और संशोधनों के अधीन प्रशासनिक निकाय का कार्य निर्वहन करेंगे :

(क) खंड 12(ड)(i) के तहत उनकी कार्रवाई एजेंट के रूप में मानित नहीं होगी, और

(ख) खंड 49 के प्रयोजन से, प्रशासनिक निकाय के रूप में उनके द्वारा खंड 45 अथवा खंड 46 के तहत दिए गए आवेशों के विरुद्ध अपील अध्यक्ष के पास होगी।

[सं. एल-ओ-13011/1/96-यूएस(एल)]
डी. विजयन पिल्लै, अवर सचिव

MINISTRY OF SURFACE TRANSPORT

New Delhi, the 16th July, 1997

S.O. 1889.—In exercise of the powers conferred by sub-clause (1) of clause 5 of the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965 and in supersession of the Notification of the Government of India in the late Ministry of Labour, Employment and Rehabilitation (Department of Labour & Employment) No. S.O. 2218 dated the 28th May, 1969, the Central Government hereby appoints the Deputy Chairman of the Mormugao Dock Labour Board as the Administrative Body for the purpose of carrying on the day-to-day administration of the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965.

2. The Deputy Chairman shall discharge the functions of the Administrative Body subject to the following restrictions and modifications, namely :—

(a) that he shall not be deemed to act as an agent for the employers under clause 12(c)(i) ; and

नाम-मृतन परिवहन मंत्रालय

नई दिल्ली, 16 जुलाई, 1997

का. आ. 1889.—मुरगांव गोदी कामगार (रोजगार का विनियमन) स्कीम, 1965 के खंड 5 के उपखंड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए तथा भारत सरकार, तत्कालीन श्रम, रोजगार तथा पुनर्वास (श्रम तथा रोजगार विभाग) मंत्रालय की अधिसूचना सं. शा.आ. 2218 दिनांक 28 मई, 1969 के अधिसूचना में केन्द्र सरकार एतद्वारा

(b) that for the purpose of clause 49, appeal from the orders passed by him under clause 45 or clause 46 as the Administrative Body, shall to the Chairman.

10-5-97 under Section 4 of Handlooms (Reservation of Articles for Production) Act, 1985 (Act 22 of 1985) in respect of name of the rule read as follows :—

(F. No. LB-13011/1/96-US (L))
D. VIJAYAN PILLAI, Under Secy.

As per Gazette

Be read as corrected
below

MINISTRY OF TEXTILE

(Office of the Development Commissioner for Handlooms)

CORRIGENDUM

New Delhi, the 21st July, 1997

S.O. 1890.—In the Gazette of India Ministry of Textiles S.O. 1240, page 2498-2499 published on

Handlooms (Reservation of Articles) (Rule Production) Rules, 1986

Handlooms (Reservation of Articles for Production) Rules, 1986

[No. 14/5/96-DCH/CEO]

B. L. SHARMA Addl. Secy.
& Development Commissioner (Handlooms)

इत्यात मंत्रालय

नई दिल्ली, 17 जुलाई, 1997

का.आ. 1891.—सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेवकूफी) अधिनियम, 1971 (1971 का 40) की धारा-3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार नीचे दी गई सारणी के स्तम्भ 1 में वर्णित अधिकारी को जो भारत सरकार के राजपत्रित अधिकारी के पद के समतुल्य अधिकारी हैं, उक्त अधिनियम के प्रयोजनों के लिये सम्पदा अधिकारी नियुक्त करती है जो अबसे उक्त सारणी के स्तम्भ 2 में विनिर्दिष्ट सरकारी स्थानों के बारे में अपने अधिकारों की स्थानीय सीमाओं के अन्तर्गत उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारी को प्रदत्त शक्तियों का प्रयोग और अधिरोपित कर्तव्यों का पालन करेगा, नामतः

सारणी

अधिकारी का पदनाम	सरकारी परिसर की श्रेणियाँ और क्षेत्राधिकार की स्थानीय सीमाएँ
(1)	(2)
भारत रिफ़ैक्ट्रीज लिमिटेड और इसकी सहायक कम्पनी इंडिया फायरब्रिक्स एण्ड इन्सुलेशन कंपनी लिमिटेड	भारत रिफ़ैक्ट्रीज लिमिटेड और इसकी सहायक कम्पनी इंडिया फायरब्रिक्स एण्ड इन्सुलेशन कंपनी लिमिटेड के अथवा उनके द्वारा पट्टे पर अथवा उनके नाम से लिये गये सभी स्थान जो कि निम्नलिखित स्थानों पर स्थित उनके संबंधित प्रशासनिक नियंत्रण में हैं :—
1. मुख्य प्रबंधक (कार्मिक और प्रशासन)	रांची रोड, रिफ़ैक्ट्रीज संयंत्र, पो. आ. मरार-829117, जिला-हजारीबाग (बिहार)

(1)

(2)

2. मुख्य कार्मिक प्रबंधक

भिलाई रिफ्रेक्ट्रीज संयंत्र, पो.आ. सिविक सेन्टर-490001, मरौदा,
जिला-दुर्ग, मध्य प्रदेश ।

3. प्रबंधक (कार्मिक और प्रशासन)

भंडारीदह रिफ्रेक्ट्रीज संयंत्र, पो.आ. भंडारीदह-829132,
जिला-बोकारो (बिहार) ।

4. प्रबंधक (विधि)

इंडिया फायरब्रिक्स एण्ड इन्सुलेशन कंपनी लिमिटेड (भारत
रिफ्रेक्ट्रीज लिमिटेड की सहायक कंपनी), पो.आ. मरार,
जिला-हजारीबाग (बिहार) ।

5. वरिष्ठ विधि अधिकारी

निगमित कार्यालय,
भारत रिफ्रेक्ट्रीज लिमिटेड, प्रशासनिक भवन, इंदिरा गांधी मार्ग,
सेक्टर-IV, बोकारो स्टील सिटी-827001 जिला-बोकारो (बिहार)

[सं. 5(21)/96-एच.एस.एम.]

डी. एम. बंसल, अवर सचिव

MINISTRY OF STEEL

New Delhi, the 17th July, 1997

S.O. 1891.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in Column 1 of the table given below, being officers equivalent in rank to a gazetted officer of Government, to be estate officers for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officer by or under the said Act, within the local limits of their jurisdiction in respect of the categories of public premises specified in column 2 of the said table, namely :—

TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction
1	2
Bharat Refractories Limited and its subsidiary India Firebricks and Insulation Company Limited.	All premises belonging to or taken on lease or requisitioned by or on behalf of Bharat Refractories Limited and its subsidiary India Firebricks and Insulation Company Limited and which are under their respective administrative control situated at :—

1	2
1 Chief Manager (Personnel and Administration)	Ranchi Road Refractories Plant, P.O. Marar—829117, District Hazaribagh (Bihar).
2 Chief Personnel Manager	Bhilai Refractories Plant, P.O. Civic Centre—490001, Marauda, District Durg, Madhya Pradesh.
3 Manager (Personnel and Administration)	Bhandaridah Refractories Plant, P.O. Bhandaridah—829132, District Bokaro (Bihar).
4 Manager (Law)	India Firebricks and Insulation Company Limited (Subsidiary of Bharat Refractories Limited), P.O. Marar, District Hazaribagh (Bihar)
5 Senior Law Officer	Corporate Office, Bharat Refractories Limited, Administrative Building, Indira Gandhi Marg, Sector-IV, Bokaro Steel City—827001, District Bokaro (Bihar)

[No. 5(21)/96-HSM]

D. N. BANSAL Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, तारीख 29 जुलाई, 1997

का.आ. 1892.- केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में बाढीनार से मध्य प्रदेश राज्य में बीना तक पेट्रोलियम के परिवहन के लिए भारत ओमन रिफाइनरीज लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और उक्त पाइपलाइन बिछानेके प्रयोजन के लिए इस अधिसूचना से उपाबध्ध अनुसूची में वर्णित भूमि में, उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उसमें के उपयोग का अधिकार का अर्जित करने का आशय घोषित करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियों साधारण जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर, उनमें उपयोग के अधिकार के अर्जन या भूमि में पाइप लाइन बिछाने के संबंध में लिखित में आक्षेप, सक्षम प्राधिकारी, श्री के. एन. दूवे, भारत ओमन रिफाइनरीज लिमिटेड, ए-1/3, "प्रशांति", वेदनगर, सौंवे रोड, उज्जैन, (म. प्र.) को कर सकता है।

अनुसूची

तहसील : बड़नगर	जिला : उज्जैन	राज्य : मध्यप्रदेश
गाँव का नाम	सर्वे क्रमांक	क्षेत्रफल हेक्टीयर/आरे
(1)	(2)	(3)
सुंदरबाव	93	0.250
	93\796	0.020
	118	0.150
	119	0.130
	120	0.140

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(1)	(2)	(3)
	121	0.100
	122	0.170
	124	0.090
	125	0.210
	134	0.020
	135	0.220
	136	0.030
	172	0.150
	173	0.120
	186	0.400
	187	0.010
	189	0.280
	190	0.070
	191	0.460
	192	0.090
	193	0.120
	194	0.080
	205	0.010
	206	0.140
	292	0.010
	293	0.020
	294	0.310
	296	0.100
	297	0.260
	299	0.230
	329	0.480
	331	0.760
	332	0.080
	350	0.080
	351	0.100
	353	0.400
	354	0.020
	355	0.350
	356	0.230
	357	0.050
	428	0.010
	429	0.180
	430	0.240
	432	0.480
	433	0.460
	438	0.010
	538	0.030
बांतोदालाखा	1072	0.180
	1073	0.020
	1092	0.360
	1093	0.110
	1100	0.820
	1116	0.720
	1236	0.710

(1)	(2)	(3)	(1)	(2)	(3)
	1243	0.090		785	0.160
	1244	0.190		786	0.570
	1245	0.250		787	0.190
	1246	0.020		788	0.090
	1247	0.040		821	0.380
	1255	0.270		822	0.210
	1256	0.010		823	0.170
	1257	0.720		824	0.030
	1281	0.490		825	0.420
	1282	0.070		827	0.500
	1285	0.260		828	0.040
	1292	0.170	मिडका	2	0.150
	1293	0.020		3	0.500
	1294	0.380		21	0.150
जलोदसंजर	10	0.200		23	0.580
	11	0.130		24	0.550
	13	0.670		25	0.080
	14	0.370		26	0.070
	20	0.050		27	0.230
	21	0.150		28	0.010
	22	0.190	कमानपुर	14	0.110
	69	0.270		15	0.120
	74	0.020		16	0.120
	75	0.250		17	0.750
	76	0.490		19	0.050
	77	0.820		21	0.230
	367	0.120		22	0.010
अजङ्गावदा	371	0.200		47	0.420
	380	0.030		52	0.010
	381	0.050		53	0.120
	382	0.300		56	0.210
	383	0.230		60	0.160
	406	0.410		61	0.720
	407	0.430		66	0.250
	408	0.100		67	0.260
	418	0.020		71	0.130
	419	0.370		72	0.170
	420	0.450		73	0.320
	421	0.250		74	0.120
	424	0.020		111	0.010
	431	0.060		174	0.040
	437	0.220		175	0.470
	441	0.480		176	0.200
	442	0.010		177	0.330
	444	0.490		197	0.100
	768	0.340		198	0.480
	769	0.180		214	0.540
	782	0.010		215	0.380
	783	0.010	कल्याणपुरा	75	0.250

(1)	(2)	(3)	(1)	(2)	(3)
	77	0.450		83/189	0.260
	78	0.300		84	0.440
	82	0.120		85	0.460
	83	0.330		87	0.060
	86	0.560	मुंडट	35	0.450
	87	0.320		36	0.500
	88	0.160		37	0.360
	89	0.240		40	0.700
	90	0.050		87	0.120
	95	0.070		103	0.290
	97	0.200		104	0.040
	98	0.170		105	0.010
	135	0.010		106	0.220
	188	0.040		107	0.110
	191	0.190		126	0.130
	314	0.010		134	0.130
	317	0.590		135	0.220
	318	0.320		136	0.010
	319	0.130		137	0.060
	327	0.290		203	0.100
	333	0.370		204	0.290
	334	0.090		205	0.200
	335	0.020		206	0.030
	336	0.020		225	0.020
	337	0.010		226	0.070
उड़सिंगा	124	0.200		227	0.320
	126	0.130		228	0.280
	128	0.350		229	0.350
	129	0.090		232	0.100
	131	0.030		248	0.110
	132	0.240		249	0.260
	133	0.030		251	0.180
	148	0.540		251/338	0.170
	445	0.200		252	0.090
	447	0.290		258	0.430
	454	0.100	बासोदाहसन	259	0.100
	455	0.010		238	0.050
	472	0.710		239/250	0.400
	476	0.120		239	0.310
	477	0.010	हरनाथदा	246	0.110
	480	0.240		28	0.080
	481	0.150		46	0.050
	482	0.010		47	0.410
	506	0.500		59	0.060
	508	0.400		60	0.010
	509	0.180		61	0.260
	513	0.010		62	0.300
खेडुनारायण	68	0.110		66	0.360
	78	0.650		67	0.520
				70	0.090

(1)	(2)	(3)	(1)	(2)	(3)
	71	0.580	मालपुरा	165	0.090
	72	0.010		166	0.350
	78	0.070		167	0.430
	79	0.200		169	0.130
	86	0.060		170	0.140
	87	0.250		171	0.020
	88	0.010		172	0.190
	91	0.070		180	0.470
	92	0.190		182	0.010
	93	0.180		183	0.040
	198	0.270		184	0.270
	211	0.200		185	0.360
	212	0.140		188	0.270
	214	0.030		189	0.090
	215	0.110		208	0.070
	216	0.110		287	0.100
	217	0.150		384	0.070
	218	0.080		385	0.160
	219	0.180		386	0.340
	220	0.220		397	0.290
	226	0.010		398	0.180
	229	0.200		399	0.030
	230	0.260		400	0.060
	231	0.110		402	0.210
	233	0.040		403	0.110
दुनालजा	568	0.140		404	0.130
	576	0.010		405	0.060
	577	0.310		409	0.330
	578	0.350		410	0.010
	579	0.150		411	0.400
	582	0.220		412	0.050
	583	0.260		413	0.100
	614	0.270		424	0.090
	617	0.110		425	0.170
	618	0.130		427	0.410
	622	0.510		428	0.040
	623	0.640		433	0.280
	624	0.170		434	0.260
मुगल्लेरी	6	0.400		436	0.210
	7	0.140		437	0.030
	19	0.010	महुडीआलम	19	0.140
	20	0.210		21	0.200
	21	0.250		22	0.010
	22	0.270		24	0.270
	23	0.040		25	0.210

(1)	(2)	(3)	(1)	(2)	(3)
	26	0.490		622	0.030
	27	0.400		651	0.410
	28	0.390		652	0.050
	29	0.020		653	0.030
	48	0.010		657	0.070
	49	0.280		658	1.150
	50	0.310		659	0.120
	52	0.250	सुवासा	40	0.390
	53	0.190		41	0.380
	54	0.180		42	0.340
	55	0.080		43	0.330
	56	0.040		44	0.210
	107	0.130		45	0.010
	109	0.160		79	0.220
	113	0.280		80	0.140
	114	0.130		81	0.040
यकहजवन	102	0.140		115	0.340
	195	0.030		125	0.520
	196	0.330		129	0.400
	197	0.560		130	0.050
	198	0.490		372	0.010
	208	0.200		373	0.270
	210	0.280		375	0.080
	211	0.270		376	0.080
	213	0.230		377	0.010
	214	0.060		378	0.470
	223	0.220		379	0.230
	224	0.130		380	0.180
	225	0.040		396	0.190
	254	0.400		397	0.280
	260	0.170		398	0.010
	261	0.360		401	0.180
	262	0.320		402	0.240
	263	0.230		403	0.180
	267	0.290		404	0.270
	271	0.090		405	0.040
	272	0.330		406/1	0.020
	273	0.300		406/2	0.420
	288	0.120		413	0.290
	289	0.430			
	290	0.840			
	306	0.410			
	307	0.060			
	560	0.350			
	620	0.750			
	621	0.410			

[सं. आर-31015/16/96-ओआर, II]

के. सी. कटोच, अवर सचिव

Ministry of Petroleum and Natural Gas

(1)	(2)	(3)
	93\796	0.020
	118	0.150
	119	0.130
	120	0.140
	121	0.100
	122	0.170
	124	0.090
	125	0.210
	134	0.020
	135	0.220
	136	0.030
	172	0.150
	173	0.120
	186	0.400
	187	0.010
	189	0.280
	190	0.070
	191	0.460
	192	0.090
	193	0.120
	194	0.080
	205	0.010
	206	0.140
	292	0.010
	293	0.020
	294	0.310
	296	0.100
	297	0.260
	299	0.230
	329	0.480
	331	0.760
	332	0.080
	350	0.080
	351	0.100
	353	0.400
	354	0.020
	355	0.350
	356	0.230
	357	0.050
	428	0.010
	429	0.180
	430	0.240
	432	0.480
	433	0.460
	438	0.010
	538	0.030
	1072	0.180
	1073	0.020

New Delhi, Dated the 29th July, 1997

S.O. 1892 - Whereas it appears to the Central Government that it is necessary in the public interest that for transport of petroleum from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh, a pipeline should be laid by the Bharat Oman Refineries Limited;

And whereas for the purpose of laying the said pipeline, it is necessary to acquire the right of users in the lands described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of this notification, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri K. N. Dubey, competent authority, Bharat Oman Refineries Limited, A-1/3, 'PRASHANTI', Vednagar, Sanwer Road, Ujjain, Madhya Pradesh;

Schedule

Tehsil : Badnagar Dist : Ujjain State : Madhya Pradesh

Name of village	Survey no	Area Hectare/Are
(1)	(2)	(3)
Sunderabad	93	0.250

Balodalakha

(1)	(2)	(3)	(1)	(2)	(3)
	1092	0.360		444	0.490
	1093	0.110		768	0.340
	1100	0.820		769	0.180
	1116	0.720		782	0.010
	1236	0.710		783	0.010
	1243	0.090		785	0.160
	1244	0.190		786	0.570
	1245	0.250		787	0.190
	1246	0.020		788	0.090
	1247	0.040		821	0.380
	1255	0.270		822	0.210
	1256	0.010		823	0.170
	1257	0.720		824	0.030
	1281	0.490		825	0.420
	1282	0.070		827	0.500
	1285	0.260		828	0.040
	1292	0.170	Mindka	2	0.150
	1293	0.020		3	0.500
	1294	0.380		21	0.150
Jalodsanjar	10	0.200		23	0.580
	11	0.130		24	0.550
	13	0.670		25	0.080
	14	0.370		26	0.070
	20	0.050		27	0.230
	21	0.150		28	0.010
	22	0.190	Karnanpura	14	0.110
	69	0.270		15	0.120
	74	0.020		16	0.120
	75	0.250		17	0.750
	76	0.490		19	0.050
	77	0.820		21	0.230
	367	0.120		22	0.010
Ajdawada	371	0.200		47	0.420
	380	0.030		52	0.010
	381	0.050		53	0.120
	382	0.300		56	0.210
	383	0.230		60	0.160
	406	0.410		61	0.720
	407	0.430		66	0.250
	408	0.100		67	0.260
	418	0.020		71	0.130
	419	0.370		72	0.170
	420	0.450		73	0.320
	421	0.250		74	0.120
	424	0.020		111	0.010
	431	0.060		174	0.040
	437	0.220		175	0.470
	441	0.480		176	0.200
	442	0.010		177	0.330

(1)	(2)	(3)	(1)	(2)	(3)
	197	0.100		508	0.400
	198	0.480		509	0.180
	214	0.540		513	0.010
	215	0.380	Kheda Narayan	68	0.110
Kalyanpura	75	0.250		78	0.650
	77	0.450		83/189	0.260
	78	0.300		84	0.440
	82	0.120		85	0.460
	83	0.330		87	0.060
	86	0.560	Mundat	35	0.450
	87	0.320		36	0.500
	88	0.160		37	0.360
	89	0.240		40	0.700
	90	0.050		87	0.120
	95	0.070		103	0.290
	97	0.200		104	0.040
	98	0.170		105	0.010
	135	0.010		106	0.220
	188	0.040		107	0.110
	191	0.190		126	0.130
	314	0.010		134	0.130
	317	0.590		135	0.220
	318	0.320		136	0.010
	319	0.130		137	0.060
	327	0.290		203	0.100
	333	0.370		204	0.290
	334	0.090		205	0.200
	335	0.020		206	0.030
	336	0.020		225	0.020
	337	0.010		226	0.070
Udsinga	124	0.200		227	0.320
	126	0.130		228	0.280
	128	0.350		229	0.350
	129	0.090		232	0.100
	131	0.030		248	0.110
	132	0.240		249	0.260
	133	0.030		251	0.180
	148	0.540		251/338	0.170
	445	0.200		252	0.090
	447	0.290		258	0.430
	454	0.100		259	0.100
	455	0.010	Balodahasan	238	0.050
	472	0.710		239/250	0.400
	476	0.120		239	0.310
	477	0.010		246	0.110
	480	0.240	Harnawada	28	0.080
	481	0.150		46	0.050
	482	0.010		47	0.410
	506	0.500		59	0.060

(1)	(2)	(3)	(1)	(2)	(3)
	60	0.010		22	0.270
	61	0.260		23	0.040
	62	0.300	Malpura	165	0.090
	66	0.360		166	0.350
	67	0.520		167	0.430
	70	0.090		169	0.130
	71	0.580		170	0.140
	72	0.010		171	0.020
	78	0.070		172	0.190
	79	0.200		180	0.470
	86	0.060		182	0.010
	87	0.250		183	0.040
	88	0.010		184	0.270
	91	0.070		185	0.360
	92	0.190		188	0.270
	93	0.180		189	0.090
	198	0.270		208	0.070
	211	0.200		287	0.100
	212	0.140		384	0.070
	214	0.030		385	0.160
	215	0.110		386	0.340
	216	0.110		397	0.290
	217	0.150		398	0.180
	218	0.080		399	0.030
	219	0.180		400	0.060
	220	0.220		402	0.210
	226	0.010		403	0.110
	229	0.200		404	0.130
	230	0.260		405	0.060
	231	0.110		409	0.330
	233	0.040		410	0.010
Dunalja	568	0.140		411	0.400
	576	0.010		412	0.050
	577	0.310		413	0.100
	578	0.350		424	0.090
	579	0.150		425	0.170
	582	0.220		427	0.410
	583	0.260		428	0.040
	614	0.270		453	0.280
	617	0.110		454	0.260
	618	0.130		456	0.210
	622	0.510		457	0.030
	623	0.640	Mahudialam	19	0.140
	624	0.170		21	0.200
Murarkhedi	6	0.400		22	0.010
	7	0.140		24	0.270
	19	0.010		25	0.210
	20	0.210		26	0.490
	21	0.250			

(1)	(2)	(3)	(1)	(2)	(3)
	27	0.400		621	0.410
	28	0.390		622	0.030
	29	0.020		651	0.410
	48	0.010		652	0.050
	49	0.280		653	0.030
	50	0.310		657	0.070
	52	0.250		658	1.150
	53	0.190		659	0.120
	54	0.180	Suvasa	40	0.390
	55	0.080		41	0.380
	56	0.040		42	0.340
	107	0.130		43	0.330
	109	0.160		44	0.210
	113	0.280		45	0.010
	114	0.130		79	0.220
Makadawan	102	0.140		80	0.140
	195	0.030		81	0.040
	196	0.330		115	0.340
	197	0.560		125	0.520
	198	0.490		129	0.400
	208	0.200		130	0.050
	210	0.280		372	0.010
	211	0.270		373	0.270
	213	0.230		375	0.080
	214	0.060		376	0.080
	223	0.220		377	0.010
	224	0.130		378	0.47
	225	0.040		379	0.230
	254	0.400		380	0.180
	260	0.170		396	0.190
	261	0.360		397	0.280
	262	0.320		398	0.010
	263	0.230		401	0.180
	267	0.290		402	0.240
	271	0.090		403	0.180
	272	0.330		404	0.270
	273	0.300		405	0.040
	288	0.120		406/1	0.020
	289	0.430		406/2	0.420
	290	0.840		413	0.290
	306	0.410			
	307	0.060			
	560	0.350			
	620	0.750			

[No. R-31015/16/96-OR. II]

K. C. Katoch, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, तारीख 1 अगस्त, 1997

का. आ. 1/3/5.- केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में बाढीनार से मध्य प्रदेश राज्य में बीना तक पेट्रोलियम के परिवहन के लिए भारत ओमन रिफाइनरीज लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और उक्त पाइपलाइन बिछाई जानेके प्रयोजन के लिए, इस अधिसूचना से उपाबध्ध अनुसूची में वर्णित भूमि में, उपयोग का अधिकार अर्जित करना आवश्यक है ;

अतः, अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें के उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितवद्ध कोई व्यक्ति, उस तारीखसे, जिसको भारत के राजपत्र में यथाप्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इसी दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाने के संबंध में या उनमें उपयोग के अधिकार का अर्जन करने संबंधी लिखित में आक्षेप, सक्षम प्राधिकारी, श्री के. एन. दूबे, भारत ओमन रिफाइनरीज लिमिटेड, ए-1/3, "प्रशांति", वेदनगर, साँबेर रोड , उज्जैन, मध्य प्रदेश को कर सकता है।

अनुसूची

तहसील : घटिया जिला : उज्जैन राज्य : मध्य प्रदेश

गाँव का नाम	सर्वे क्रमांक	क्षेत्रफल हेक्टर/ आरे
(1)	(2)	(3)
गुडा	316	0.080
	361	0.410
	365	0.310
	368	0.770

(1)	(2)	(3)
	369	0.070
	370	0.140
	373	0.330
	374	0.350
	375	0.010
	376	0.020
	377	0.010
	402	0.020
	403	0.020
	404	0.450
	405	0.280
	406	0.100
रई	2	0.010
	3	0.140
	26	0.030
	109	0.030
	110	0.010
खोपरिया	60	0.300
	61	0.260
	63	0.010
	65	0.170
	66	0.360
	100	0.150
	101	0.140
	105	0.290
	119	0.150
	135	0.210
	154	0.030
	155	0.190
	157	0.030
	158	0.010
	159	0.040
	161	0.030
	167	0.110
	168	0.310
	169	0.180
	173	0.300
	174	0.020
	175	0.250
	176	0.330
	177	0.010
	224	0.210
	225	0.010
	228	0.280
	229	0.040
	231	0.150
	238	0.110
	239	0.440
झोंकरा	18	0.450
	21	0.240

(1)	(2)	(3)	(1)	(2)	(3)
	22	0.210		135	0.230
	56	0.010		136	0.260
	86	0.030		137	0.120
	88	0.290		138	0.010
	89	0.070		140	0.050
	106	0.110		142	0.010
	107	0.060		143	0.330
	108	0.310		145	0.160
	117	0.010		146	0.430
	118	0.020		147	0.100
	120	0.010		201	0.210
	206	0.330		202	0.230
	208	0.010		203	0.120
	209	0.070		205	0.150
	210	0.260		395	0.060
	230	0.200		396	0.290
	231	0.480		397	0.290
	232	0.350		398	0.020
बांसखेड़ी	311	0.240		401	0.220
	312	0.290		402	0.150
	315	0.150		403	0.030
	318	0.370	पंचेड़	56	0.220
	319	0.600		57	0.120
	320	0.080		61	0.500
	323	0.010		79	0.010
	363	0.080		83	0.140
	364	0.250		84	0.510
	394	0.180		86	0.020
	396	0.020		87	0.450
	402	0.830		97	0.090
	409	0.010		98	0.180
	410	0.310		99	0.200
	411	0.050		103	0.270
	421	0.370		104	0.250
	422	0.190		105	0.010
	423	0.330		107	0.170
	424	0.350		108	0.170
	425	0.040		109	0.270
भुवेटिया	48	0.650		188	0.010
	49	0.020		189	0.200
	54	0.610		190	0.010
	55	0.420		191	0.070
	58	0.570		196	0.340
	59	0.450		197	0.130
	65	0.360		200	0.400
	120	0.240	दिलिया	2	0.030
	121	0.110		3	0.240
	123	0.220	भरुलिया	798	0.150
	125	0.040		799	0.460
	131	0.010		800	0.060
	132	0.100		823	0.050

(1)	(2)	(3)	(1)	(2)	(3)
	824	0.870		358	0.320
	825	0.030		359	0.020
	835	0.010		405	0.020
	840	0.430		438	0.050
	841	0.050		440	0.540
	842	0.140	सुतारखेड़ा	2	0.440
	843	0.180		3	0.600
	844	0.010		9	0.550
किसानपुरा	132	0.020		10	0.100
	133	0.140		11	0.010
	134	0.140		12	0.600
	135	0.120		13	0.120
	142	0.140		14	0.010
	144	0.410		19	0.190
	145	0.020		135	0.280
	148	0.010		136	0.450
	188	0.010		137	0.040
	190	0.240		144	0.010
	191	0.100		145	0.120
	192	0.720		146	0.090
	197	0.010	मीन	301	0.810
	198	0.380		309	0.010
	199	0.080		310	0.220
	200	0.260		311	0.330
	201	0.160		313	0.340
	202	0.130		315	0.390
	203	0.010		316	0.020
	233	0.040		317	0.430
	234	0.130		355	0.360
	238	0.190		356	0.380
	241	0.030		357	0.050
	242	0.140		358	0.360
	243	0.190		362	0.330
	244	0.180		366	0.010
	245	0.040		376	0.010
	246	0.280		377	0.520
	247	0.200		378	0.390
	248	0.030		379	0.010
	249	0.010		380	0.220
	261	0.010		382	0.630
	262	0.140		387	0.120
	264	0.350		388	0.180
	269	0.050		389	0.010
	270	0.200		401	0.720
	271	0.010		402	0.070
	272	0.450		404	0.330
	273	0.040		406	0.010
	275	0.200	रत्नायती	7	0.040
भीलखेड़ा	354	0.240		10	0.340
	355	0.100		11	0.340
	357	0.280		12	0.010

(1)	(2)	(3)	(1)	(2)	(3)
	17	0.110		96	0.020
	18	0.230		98	0.030
	20	0.240		99	0.080
	21	0.380		100	0.140
	28	0.170		101	0.100
	29	0.270		102	0.010
	34	0.380		104	0.170
	37	0.070		105	0.020
	38	0.610		109	0.360
	39	0.030		110	0.290
	216	0.270	कोयलखेड़ी	153	0.180
	217	0.470		157	0.230
	218	0.260		158	0.100
	226	0.010		159	0.130
	230	0.080		160	0.160
	231	0.240		161	0.130
	232	0.170		164	0.010
	233	0.020		165	0.280
	234	0.030		171	0.010
	235	0.370		172	0.530
	236	0.240		173	0.020
	237	0.320		174	0.030
	298	0.110		175	0.260
	299	0.670		176	0.140
	302	0.240		177	0.040
	303	0.190		179	0.200
	304	0.240		180	0.060
	305	0.250		181	0.060
	306	0.100		182	0.060
	312	0.070		183	0.060
रत्नायता क्षेत्र	2	0.130		184	0.010
	10	0.030		208	0.010
	11	0.390		210	0.910
	12	0.300		228	0.100
	13	0.020		229	0.320
	14	0.010		230	0.250
	15	0.510		231	0.140
	16	0.080		233	0.100
	17	0.220		234	0.220
	18	0.430		237	0.180
	19	0.410		238	0.180
	46	0.470		239	0.110
	48	0.360		323	0.400
	49	0.230		348	0.280
	60	0.010		349	0.590
	92	0.030		350	0.190
	93	0.100		351	0.060
	94	0.250		354	0.230
	95	0.160		391	0.060

[सं. आर - 31015/18/97 - ओआर. II]

के. सी. कटोच, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, Dated the 1st August, 1997

S.O. 1893- Whereas it appears to the Central Government that it is necessary in the public interest that for transport of petroleum from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh, a pipeline should be laid by the Bharat Oman Refineries Limited;

And whereas for the purpose of laying the said pipeline, it is necessary to acquire the right of users in the lands described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of this notification, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri K. N. Dubey, Competent Authority Bharat Oman Refineries Limited, A-1/3, 'PRASHANTI' , Vednagar, Sanwer Road, Ujjain, Madhya Pradesh;

Schedule

Tehsil :Ghatiya Dist :Ujjain State : Madhya pradesh

Name of village	Survey no.	Area Hectare/arc
(1)	(2)	(3)
Gudha	316	0.080
	361	0.410
	365	0.310
	368	0.770

(1)	(2)	(3)
	369	0.070
	370	0.140
	373	0.330
	374	0.350
	375	0.010
	376	0.020
	377	0.010
	402	0.020
	403	0.020
	404	0.450
	405	0.280
	406	0.100
Rui	2	0.010
	3	0.140
	26	0.030
	109	0.030
	110	0.010
Khoyriya	60	0.300
	61	0.260
	63	0.010
	65	0.170
	66	0.360
	100	0.150
	101	0.140
	105	0.290
	119	0.150
	135	0.210
	154	0.030
	155	0.190
	157	0.030
	158	0.010
	159	0.040
	161	0.030
	167	0.110
	168	0.310
	169	0.180
	173	0.300
	174	0.020
	175	0.250
	176	0.330
	177	0.010
	224	0.210
	225	0.010
	228	0.280
	229	0.040
	231	0.150
	238	0.110

(1)	(2)	(3)	(1)	(2)	(3)
	239	0.440		121	0.110
Zhokra	18	0.450		123	0.220
	21	0.240		125	0.040
	22	0.210		131	0.010
	56	0.010		132	0.100
	86	0.030		135	0.230
	88	0.290		136	0.260
	89	0.070		137	0.120
	106	0.110		138	0.010
	107	0.060		140	0.050
	108	0.310		142	0.010
	117	0.010		143	0.330
	118	0.020		145	0.160
	120	0.010		146	0.430
	206	0.330		147	0.100
	208	0.010		201	0.210
	209	0.070		202	0.230
	210	0.260		203	0.120
	230	0.200		205	0.150
	231	0.480		395	0.060
	232	0.350		396	0.290
Baskhed	311	0.240		397	0.290
	312	0.290		398	0.020
	315	0.150		401	0.220
	318	0.370		402	0.150
	319	0.600		403	0.030
	320	0.080	Pached	56	0.220
	323	0.010		57	0.120
	363	0.080		61	0.500
	364	0.250		79	0.010
	394	0.180		83	0.140
	396	0.020		84	0.510
	402	0.830		86	0.020
	409	0.010		87	0.450
	410	0.310		97	0.090
	411	0.050		98	0.180
	421	0.370		99	0.200
	422	0.190		103	0.270
	423	0.330		104	0.250
	424	0.350		105	0.010
	425	0.040		107	0.170
Dhuletiya	48	0.650		108	0.170
	49	0.020		109	0.270
	54	0.610		188	0.010
	55	0.420		189	0.200
	58	0.570		190	0.010
	59	0.450		191	0.070
	65	0.360		196	0.340
	120	0.240		197	0.130

(1)	(2)	(3)	(1)	(2)	(3)
	240	0.400		269	0.050
Bihariya	2	0.030		270	0.200
	3	0.240		271	0.010
Kaluheda	798	0.150		272	0.450
	799	0.460		273	0.040
	800	0.060		275	0.200
	823	0.050	Bhilkheda	354	0.240
	824	0.870		355	0.100
	825	0.030		357	0.280
	835	0.010		358	0.320
	840	0.430		359	0.020
	841	0.050		405	0.020
	842	0.140		438	0.050
	843	0.180		440	0.540
	844	0.010	Sutarkheda	2	0.440
Kishanpura	132	0.020		3	0.600
	133	0.140		9	0.550
	134	0.140		10	0.100
	135	0.120		11	0.010
	142	0.140		12	0.600
	144	0.410		13	0.120
	145	0.020		14	0.010
	148	0.010		19	0.190
	188	0.010		135	0.280
	190	0.240		136	0.450
	191	0.100		137	0.040
	192	0.720		144	0.010
	197	0.010		145	0.120
	198	0.380		146	0.090
	199	0.080	Meen	301	0.810
	200	0.260		309	0.010
	201	0.160		310	0.220
	202	0.130		311	0.330
	203	0.010		313	0.340
	233	0.040		315	0.390
	234	0.130		316	0.020
	238	0.190		317	0.430
	241	0.030		355	0.360
	242	0.140		356	0.380
	243	0.190		357	0.050
	244	0.180		358	0.360
	245	0.040		362	0.330
	246	0.280		366	0.010
	247	0.200		376	0.010
	248	0.030		377	0.520
	249	0.010		378	0.390
	261	0.010		379	0.010
	262	0.140		380	0.220
	264	0.350		382	0.630

(1)	(2)	(3)	(1)	(2)	(3)
	387	0.120		93	0.100
	388	0.180		94	0.250
	389	0.010		95	0.160
	401	0.720		96	0.020
	402	0.070		98	0.030
	404	0.330		99	0.080
	406	0.010		100	0.140
Ralayati	7	0.040		101	0.100
	10	0.340		102	0.010
	11	0.340		104	0.170
	12	0.010		105	0.020
	17	0.110		109	0.360
	18	0.230		110	0.290
	20	0.240	Koyalkhedi	153	0.180
	21	0.380		157	0.230
	28	0.170		158	0.100
	29	0.270		159	0.130
	34	0.380		160	0.160
	37	0.070		161	0.130
	38	0.610		164	0.010
	39	0.030		165	0.280
	216	0.270		171	0.010
	217	0.470		172	0.530
	218	0.260		173	0.020
	226	0.010		174	0.030
	230	0.080		175	0.260
	231	0.240		176	0.140
	232	0.170		177	0.040
	233	0.020		179	0.200
	234	0.030		180	0.060
	235	0.370		181	0.060
	236	0.240		182	0.060
	237	0.320		183	0.060
	298	0.110		184	0.010
	299	0.670		208	0.010
	302	0.240		210	0.910
	303	0.190		228	0.100
	304	0.240		229	0.320
	305	0.250		230	0.250
	306	0.100		231	0.140
	312	0.070		233	0.100
Ralayata Hewat	2	0.130		234	0.220
	10	0.030		237	0.180
	11	0.390		238	0.180
	12	0.300		239	0.110
	13	0.020		323	0.400
	14	0.010		348	0.280
	15	0.510		349	0.590
	16	0.080		350	0.190
	17	0.220		351	0.060
	18	0.430		354	0.230
	19	0.410		391	0.060
	46	0.470			
	48	0.360			
	49	0.230			
	60	0.010			
	92	0.030			

[No. R- 31015/18/96 - OR. II]

K. C. Katoch, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, तारीख 1 अगस्त, 1997

का.आ. 1894 :- केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में वाडीनार से मध्य प्रदेश राज्य में बीना तक पेट्रोलियम के परिवहन के लिए भारत ओमन रिफाइनरीज लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और उक्त पाइपलाइन बिछाई जानेके प्रयोजन के लिए, इस अधिसूचना से उपाबध्ध अनुसूची में वर्णित भूमि में, उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः, अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें के उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, उस तारीखसे, जिसको भारत के राजपत्र में यथाप्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाने के संबंध में या उनमें उपयोग के अधिकार का अर्जन करने संबंधी लिखित में आक्षेप, सक्षम प्राधिकारी, श्री के. एन. दूबे, भारत ओमन रिफाइनरीज लिमिटेड, ए-1/3, "प्रशांति", वेदनगर, साँवेर रोड , उज्जैन, मध्य प्रदेश को कर सकता है।

अनुसूची

तहसील: महिदपुर जिला: उज्जैन राज्य: मध्य प्रदेश

गाँव का नाम	सर्वे क्रमांक	क्षेत्रफल हेक्टर/आरे
(1)	(2)	(3)
मालीखेडी	340	0.360
	342	0.160
	344	0.320
	345	0.320
	346	0.120
	347	0.240
	371	0.170
	372	0.170

(1)	(2)	(3)
	373	0.410
	381	0.480
	382	0.370
	403	0.220
	406	0.400
	407	0.490
	425	0.090
	426	0.350
खुरचन्या चन्द्रभान	292	0.010
	313	0.090
	315	0.030
	316	0.340
	317	0.240
	319	0.290
	320	0.170
ताजपुर	89	0.110
	90	0.020
	91	0.010
	216	0.309
	222	0.090
	232	0.010
	233	0.040
	234	0.140
	235	0.080
	236	0.370
	238	0.400
	243/1	0.300
	243/2	
	244	0.390
	246	0.020
	247	0.240
	248	0.050
	249	0.130
	250	0.270
	251	0.150
	264	0.010
	265	0.320
	266	0.150
	267	0.010
	268	0.610
बरखेड़ी बाजार	06	0.060
	13	0.270
	14	0.220

(1)	(2)	(3)	(1)	(2)	(3)
	15	0.010		443	0.300
	26	0.090		445	0.210
	31	0.090		446	0.240
	32	0.010		447	0.030
	33	0.180		451	0.350
	34	0.010		452	0.020
	36	0.200		453	0.140
	37	0.230	जगोटी	1333	0.300
	63	0.090		1334	0.350
	64	0.060		1335	0.260
	65	0.030		1336	0.150
	103	0.010		1381	0.080
	104	0.010		1388	0.010
	106	0.010		1390	0.080
	122	0.200		1391	0.240
	123	0.120		1392	0.340
	124	0.040		1393	0.050
	130	0.010		1394	0.410
	131	0.010		1395	0.010
	132	0.060		1407	0.020
	133	0.070		1409	0.420
	134	0.010		1410	0.190
	140	0.270		1411	0.070
	141	0.180		1437	0.010
	277	0.040		1438	0.480
	278	0.130		1440	0.110
	279	0.070		1441	0.010
	291	0.010		1443	0.070
	292	0.010		1444	0.200
	293	0.050		1445	0.370
	294	0.080		1451/1	0.250
	295	0.040		1451/2	0.060
	296	0.010		1452	0.280
	298	0.030		1453	0.010
	299	0.060		1497	0.150
	304	0.010		1498	0.190
	305	0.280		1504	0.060
	306	0.200		1509	0.060
	350	0.050		1510	0.100
	356	0.040		1511	0.020
	437	0.260		1513	0.020
	438	0.020	बेलाखेडा	52	0.240
	442	0.360		53	0.140

(1)	(2)	(3)	(1)	(2)	(3)
	54	0.340		396	0.050
	55	0.240		400	0.150
	56	0.510		401	0.160
	64	0.190		402	0.060
	65	0.170		404	0.080
	74	0.270	पलवा	470/3	0.210
	76	0.240		638	0.170
	77	0.150		639	0.170
	78	0.100		674	0.440
	79	0.010		679	0.570
	86	0.190		684	0.440
	87	0.010		695	0.230
	88	0.300		696	0.010
	89	0.240		697	0.240
	107	0.010		698	0.060
	108	0.010		700	0.080
	152	0.060		815	0.110
	153	0.260		817	0.270
	154	0.100		824	0.400
	156	0.010		825	0.190
	317	0.250		826	0.120
	321	0.040		827	0.160
	322	0.130		830	0.130
	323	0.320		856	0.700
	353	0.190		872	0.040
	354	0.040		879	0.340
	355	0.240		880	0.620
	356	0.020		886	0.090
	376	0.070		888/2	0.020
	377/1	0.240		888/3	0.550
	377/2	0.060		889	0.400
	380	0.020	लोहरबास	349	0.010
	381	0.270		350	0.060
	382	0.040		351	0.030
	392/2	0.170		516	0.230
	393	0.010			
	394/1	0.170			
	394/1	0.170			
	394/2	0.120			
	395	0.150			

[सां. आर-31015/17/96-ओआर. II]

के. सी. कटोच, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, Dated the 1st August, 1997

S.O. 1894.- Whereas it appears to the Central Government that it is necessary in the public interest that for transport of petroleum from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh, a pipeline should be laid by the Bharat Oman Refineries Limited;

And whereas for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the lands described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of this notification, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri K. N. Dubey, Competent Authority Bharat Oman Refineries Limited, A-1/3, 'PRASHANTI' , Vednagar, Sanwer Road, Ujjain, Madhya Pradesh;

Schedule

Tehsil: Mahidpur Dist : Ujjain State: Madhya Pradesh

Name of village	Survey no.	Area Hectare/are
(1)	(2)	(3)
Malikhedi	340	0.360
	342	0.160

(1)	(2)	(3)
	344	0.320
	345	0.320
	346	0.120
	347	0.240
	371	0.170
	372	0.170
	373	0.410
	381	0.480
	382	0.370
	403	0.220
	406	0.400
	407	0.490
	425	0.090
	426	0.350
Khurchanya - Chandrabhan	292	0.010
	313	0.090
	315	0.030
	316	0.340
	317	0.240
	319	0.290
	320	0.170
Tajpur	89	0.110
	90	0.020
	91	0.010
	216	0.300
	222	0.090
	232	0.010
	233	0.040
	234	0.140
	235	0.080
	236	0.370
	238	0.400
	243/1	0.300
	243/2	
	244	0.390
	246	0.020
	247	0.240
	248	0.050
	249	0.130
	250	0.270

(1)	(2)	(3)	(1)	(2)	(3)
	251	0.140		298	0.030
	264	0.010		299	0.060
	265	0.320		304	0.010
	266	0.150		305	0.280
	267	0.010		306	0.200
	268	0.610		350	0.050
Barkhedhi Bazar	06	0.060		356	0.040
	13	0.270		437	0.260
	14	0.220		438	0.020
	15	0.010		442	0.360
	26	0.090		443	0.300
	31	0.090		445	0.210
	32	0.010		446	0.240
	33	0.180		447	0.030
	34	0.010		451	0.350
	36	0.200		452	0.020
	37	0.230		453	0.140
	63	0.090	Jagoti	1333	0.300
	64	0.060		1334	0.350
	65	0.030		1335	0.260
	103	0.010		1336	0.150
	104	0.010		1381	0.080
	106	0.010		1388	0.010
	122	0.200		1390	0.080
	123	0.120		1391	0.240
	124	0.040		1392	0.340
	130	0.010		1393	0.050
	131	0.010		1394	0.410
	132	0.060		1395	0.010
	133	0.070		1407	0.020
	134	0.010		1409	0.420
	140	0.270		1410	0.190
	141	0.180		1411	0.070
	277	0.040		1437	0.010
	278	0.130		1438	0.480
	279	0.070		1440	0.110
	291	0.010		1441	0.010
	292	0.010		1443	0.070
	293	0.050		1444	0.200
	294	0.080		1445	0.370
	295	0.040		1451/1	0.250
	296	0.010		1451/2	0.060

(1)	(2)	(3)	(1)	(2)	(3)
	1452	0.280		381	0.270
	1453	0.010		382	0.040
	1497	0.150		392/2	0.170
	1498	0.190		393	0.010
	1504	0.060		394/1	0.170
	1509	0.060		394/2	0.120
	1510	0.100		395	0.150
	1511	0.020		396	0.050
	1513	0.020		400	0.150
Bclakheda	52	0.240		401	0.160
	53	0.140		402	0.060
	54	0.340		404	0.080
	55	0.240	Palwa	470/3	0.210
	56	0.510		638	0.170
	64	0.190		639	0.170
	65	0.170		674	0.440
	74	0.270		679	0.570
	76	0.240		684	0.440
	77	0.150		695	0.230
	78	0.100		696	0.010
	79	0.010		697	0.240
	86	0.190		698	0.060
	87	0.010		700	0.080
	88	0.300		815	0.110
	89	0.240		817	0.270
	107	0.010		824	0.400
	108	0.010		825	0.190
	152	0.060		826	0.120
	153	0.260		827	0.160
	154	0.100		830	0.130
	156	0.010		856	0.700
	317	0.250		872	0.040
	321	0.040		879	0.340
	322	0.130		880	0.620
	323	0.320		886	0.090
	353	0.190		888/2	0.020
	354	0.040		888/3	0.550
	355	0.240	Loharwas	889	0.400
	356	0.020		349	0.010
	376	0.070		350	0.060
	377/1	0.240		351	0.030
	377/2	0.060		516	0.230
	380	0.020			

[No. R-31015/17/96-OR. II]
K. C. Katoch, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, तारीख 1 अगस्त, 1997

का.आ. 1895 - केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में वाडीनार से मध्य प्रदेश राज्य में बीना तक पेट्रोलियम के परिवहन के लिए भारत ओमन रिफाइनरीज लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए ;

और उक्त पाइपलाइन बिछाई जानेके प्रयोजन के लिए, इस अधिसूचना से उपाबध्ध अनुसूची में वर्णित भूमि में, उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः, अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें के उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, उस तारीखसे, जिसको भारत के राजपत्र में यथाप्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाने के संबंध में या उनमें उपयोग के अधिकार का अर्जन करने संबंधी लिखित में आक्षेप, सक्षम प्राधिकारी, श्री के. एन. दूबे, भारत ओमन रिफाइनरीज लिमिटेड, ए-1/3, "प्रशांति", वेदनगर, साँवर रोड , उज्जैन, मध्य प्रदेश को कर सकता है।

अनुसूची

सहस्रील: खाचरोद	जिला : उज्जैन	राज्य : मध्य प्रदेश
गाँव का नाम	सर्वे क्रमांक	क्षेत्रफल हेक्टेयर/आरे
(1)	(2)	(3)
रामाबालोदा	431	0.128
	432	0.088
	433	0.030
	435	0.120
	436	0.043
	437	0.169
	446	0.141
	447	0.055
	448	0.202
	732	0.364
	734	0.097
	735	0.010
	739	0.659
	1023	0.580

(1)	(2)	(3)
	1024	0.325
	1034	0.234
	1035	0.142
	1036	0.042
	1038	0.051
	1039	0.060
	1041	0.010
	1042	0.424
	1043	0.399
	1048	0.319
	1049	0.177
	1051	0.153
	1054	0.219
	1056	0.207
	1057	0.329
	1058	0.038
खोखरी	38	0.258
	39	0.261
	40	0.035
	41	0.117
	42	0.036
	43	0.248
	44	0.453
	45	0.010
	57	0.100
	58	0.018
	59	0.165
	60	0.332
	61	0.271
	63	0.051
	64	0.189
	82	0.031
	107	0.398
	108	0.046
	110	0.156
	111	0.143
	114	0.082
	118	0.017
जियाजीगढ	2	0.813
सुरजाखेडी	392	0.358
	393	0.101
	397	0.139
	398	0.563
	399	0.105
	400	0.002
	430	0.055
	487	0.055
	488	0.274
	489	0.014
	490	0.231
	504	0.160
	505	0.019
	506	0.065
	528	0.358
	529	0.014

[सं. आर- 31015/15/96-ओआर. II]

के. सी. कटोच, अवर सचिव

1818 69/97-8

Ministry of Petroleum and Natural Gas

New Delhi, Dated the 1st August, 1997

S.O. 1895. Whereas it appears to the Central Government that it is necessary in the public interest that for transport of petroleum from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh, a pipeline should be laid by the Bharat Oman Refineries Limited;

And whereas for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri K. N. Dubey, competent authority, Bharat Oman Refineries Limited, A-1/3, 'PRASHANTI', Vednagar, Sanwer Road, Ujjain, Madhya Pradesh;

Schedule

Tehsil : Khachrod Dist.:Ujjain State:Madhya pradesh

Name of village	Survey no	Area Hectare/are
(1)	(2)	(3)
Ramabaloda	431	0.128
	432	0.088
	433	0.030
	435	0.120
	436	0.043
	437	0.169
	446	0.141
	447	0.055
	448	0.202
	732	0.364

(1)	(2)	(3)
	734	0.097
	735	0.010
	739	0.659
	1023	0.580
	1024	0.325
	1034	0.234
	1035	0.142
	1036	0.042
	1038	0.051
	1039	0.060
	1041	0.010
	1042	0.424
	1043	0.399
	1048	0.319
	1049	0.177
	1051	0.153
	1054	0.219
	1056	0.207
	1057	0.329
	1058	0.038
Khokri	38	0.258
	39	0.261
	40	0.035
	41	0.117
	42	0.036
	43	0.248
	44	0.453
	45	0.010
	57	0.100
	58	0.018
	59	0.165
	60	0.332
	61	0.271
	63	0.051
	64	0.189
	82	0.031
	107	0.398
	108	0.046
	110	0.156
	111	0.143
	114	0.082
	118	0.017
Jivaiigad Suriakhedi	2	0.813
	392	0.358
	393	0.101
	397	0.139
	398	0.563
	399	0.105
	400	0.002
	430	0.055
	487	0.055
	488	0.274
	489	0.014
	490	0.231
	504	0.160
	505	0.019
	506	0.065
	528	0.358
	529	0.014

[No. R 31015/15/96-OR. II]

K. C. Katoch, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 3 जुलाई, 1997

का.आ. 1896.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूची में, केन्द्रीय सरकार सैसस भारत कुकिंग कोल लि. के प्रबन्धन के संबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (गं. 1), धनबाद के विवाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-7-97 को प्राप्त हुआ था।

[सं एल-20012/20/91-आई आर (सी-I)]

ब्रज मोहन, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 3rd July, 1997

S.O. 1896.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Bharat Cooking Coal Ltd. and their workmen, which was received by the Central Government on 1-7-1997.

[No. L-20012/20/91-IR (C-1)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 1 AT DHANBAD

PRESENT :

Shri T. Prasad, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d)
of the I. D. Act, 1947

Reference No. 75 of 1991

PARTIES :

Employers in relation to the management of Dugda
Coal Washery of M/s. B.C.C.L.
AND
Their Workmen.

APPEARANCES :

On behalf of the workmen —Shri D. Mukherjee, Advocate.

On behalf of the employers—Shri H. Nath, Advocate.

Dhanbad, the 17th June, 1997

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/20/91-I.R. (Coal-I), dated, the 25th July, 1991.

SCHEDULE

"Whether the 35 persons whose names are shown in the Annexure and who were employed by M/s. Triveni Engineering Works, a Contractor at Dugda Coal Washery are to be treated as workmen of M/s. BCCL and whether the demand of the Coal Washeries Workers Union that these persons be regularised/absorbed in the services of M/s. BCCL is justified? If so, to what relief are these persons entitled?"

1818 GI/97—9

2. The workmen and the sponsoring Union have appeared and filed W.S. stating therein and giving the list of 35 workmen and have stated further that they were the employees of M/s. Triveni Engineering Works Ltd., a contractor in the construction, maintenance and operation of the Dugda Froth Flotation Plant for the period from 1982 to October, 1987 and thereafter for construction and maintenance and operation of dump slurry preparation plant from 16-10-87 to 1990 at Dugda Coal Washery under M/s. B.C.C.L. as skilled workers working continuously and regularly and have completed more than one year continuous service with the management. It is said that contract was given to M/s. Triveni Engineering Works by M/s. B.C.C.L. for the construction and erection of Froth Flotation Plant of Dugda Washery in the year 1982 and these workmen were appointed by the Firm during the period 1982 to 1987 as skilled workmen and after construction of the plant on 15-4-86 the management of Dugda Washery engaged these workmen in the operation of the plant itself and paid wages to these workmen as skilled workers, as skilled workers were not available with the management of Dugda Coal Washery to operate and run the plant on commercial basis and these workmen worked till 15-10-87. It is also said that the contractor construction company was a contractor for construction of the plant only and not for the operation of plant and as such during the period from 15-10-86 to 15-10-87 when these workmen operated the plant they were the employees of the management and their wages were also paid by the said management during the period. It is further said that the management had assured the concerned workmen that they would be taken on regular service and absorbed in the management and they were asked to get registered their names with the employment exchange which they did as per advice of the management but thereafter the management recruited 100 workmen afresh who had no working experience in the operation of the plant in the year 1988 ignoring the claim of the workmen who were highly skilled workmen and had advantage of working and operating the plant also. It is also said that the construction company had also recommended the ease of the concerned workmen for their absorption in Dugda Washery under the management of M/s. BCCL. It is also said that some of the workmen worked upto 15-10-87 in the Dump Slurry till 1-7-90 and all of them were retrenched after working continuously for years together and were left out to maintain their livelihood. A chart showing the working periods of the workmen in these two plants has been given with the W.S.

3. It is further said that the sponsoring union took up their case with the management for their regularisation and absorption but of no result and thereafter the industrial dispute was raised before the AIC (C), Dhanbad which also failed and then the reference has been made by the Ministry. The concerned workmen got registered their names with the Bokaro Employment Exchange and appeared in the interview but they were not selected and fresh recruits were given the job and as such they are entitled for absorption and regularisation in the service of the management of BCCL. A list showing the names of the workmen, period of working has been attached with this W.S. which is on record.

4. The management has appeared and filed W.S. stating inter alia that the reference is not legally maintainable and it is not legal industrial dispute under Section 2(k) of the I. D. Act and there is no relationship of employer and employee between the parties and the concerned workmen were the workmen of the construction company and they have no right for employment as per law. It is further said that Dugda Coal Washery has two units Dugda-I and Dugda-II and earlier belonged to I.S.L./Steel Authority of India of the Central Government and later on in the year 1972 it was entrusted to M/s. BCCL after nationalisation of Coking Coal Mines.

5. It is said that during the working of the plants it was found the quantum of slurry with fine particles of coal and it was decided to install froth flotation plant and for that a contract was given to M/s. Triveni Engineering Works vide letter dated 19-2-81 to construct the plant on a turn key basis. The work was to be completed within 18 months but it started working in the year 1983 and completed the work in the later part of 1986 and it was commissioned in the year 1986. It is said that on commissioning of the plant the said contractor was given the contract for operation

and maintenance of the plant for a period of 2 months which was extended upto 15-10-87 in two stages. The contractor engaged the workmen who were doing the previous job of construction and installation of the froth flotation plant.

6. It was also said that the said contractor company was also engaged for dump slurry preparation plant which were different on turn key basis vide order dated 28-3-88 which was completed in the year December, 1989 and for training of the employee of the management the said contractor was given extension of time for 6 months with effect from 1-1-90 to 30-6-90. Thereafter the plant was taken over by the management of BCCL and since then it is in regular operation by the workers of the management. It is said that the contractor engaged his own men as noted above and was supervising and controlling their workmen and only payment of bills was made by the management as per term of contract.

7. It was also said that after taking over of the Froth Flotation Plant and dump slurry plant the management employed its own workers for running the same and there was no need at all for the management to employ any ex-workers of the contractors. It was also said that there is nothing to show that the contractors engaged all these 35 workers throughout the period of his contract, and as the management never recruited and employed the concerned workmen, it was not duty bound to give them employment as claimed.

8. By way of rejoinder to the W.S. of the workmen the same has been denied specifically and parawise and it is said to be incorrect, false and baseless and denied. It was also said that so far alleged retrenchment of workers are concerned, this management had nothing to do with the same and the contractor closed its establishment and after completion of the work and the management was not related with the closure of the contractor firm and the continuous service of the concerned workmen. It is finally said that the concerned workmen are not entitled any relief as claimed and an Award be passed accordingly.

9. A rejoinder has also been given by the workmen and the sponsoring Union to the W.S. of the management and it's contention have been denied specifically and the same is said to be denied and incorrect. It is also said that the Award be passed in favour of the workmen.

10. On the basis of the pleadings of the parties the points for consideration in this case are :—

1. Whether the concerned workmen were initially employed by M/s. Triveni Engineering Works, the contractor of M/s. B.C.C.L. ?
 2. Whether the demand of the workmen and the sponsoring union for their regularisation and absorption in the service of M/s. BCCL is justified ? and
 3. If so, what other relief or reliefs they are entitled ?
11. All these points are inter linked, so they are taken up together.

12. The management has examined two witnesses in support of it's case. They are Shri M. P. Singh, MW-1, the then Personnel Manager of Dugda Coal Washery working there for the last 9 years and has said that Triveni construction was given contract for construction of Froth Flotation Plant of the Washery in the year 1981 and this plant was commissioned in November, 1986 and thereafter the contractor firm operated the said plant from 1-12-86 to 15-10-87. He has further said that the said firm was given order in the year 1988 for construction of dump slurry plant which have been commissioned in the December, 1989 and the firm was given contract for running and maintaining from 1-1-90 to 30-6-90 and after expiry of the contractual period the said plant was given to M/s. BCCL and since then the plants are being run by the employees of M/s. B.C.C.L. The workers were engaged for executing the contract work by the contractor company and payment was also given by the contractor to them and there was no relationship of master and servant between the parties. There is also no vacancy at present to get the workmen absorbed in the company's rolls. He has proved six bills of the contractor marked Ext. M-1 to M-1/5. He has also

stated that the management used to make payment on receipt of the bills. Further he has admitted that it is the duty of the management to run and maintain the Froth Flotation Plant and Dump Slurry plant privately and global tender was also floated for putting the plant into operation for showing its operational worthiness. He has further stated that the plant is commissioning and running commercially since April, 1986 and function of the same was also on the first day it became operational and the operation of the plant is being managed by the permanent staff and these workmen were associated with the plant when it was commissioned. He further admitted that when the dump slurry plant commissioned in December, 1989 the concerned workmen were associated with the work which they continued till 30-6-90. No global tender was floated for running and functioning of those plants and a contract document has been filed showing the stipulation for running and operating the plant. He has denied that the workmen were interviewed by the management for doing this work. He had also denied that when these workmen were working for running these two plants their work was supervised by the officials of the management. He has also stated that there was no contract with the construction company for supply of labourers to the management and he could not say whether there is any vacancy in the aforesaid plant and he had denied that these workmen were removed from service when they raised an industrial dispute.

13. The evidence of MW-2 Shri Jaideb Upadhaya who was Senior Executive Engineer of Dugda Washery from 1981 to 1990 is also on the same line and he has stated that the firm had done the operation and maintenance of the said plant from December, 1986 to 15-10-87 and has further said that the contractor firm was awarded contract for doing dump slurry plant which was commissioned in July, 1990 and the contractor firm ran this plant on its completion for 6 months. He has further clarified that the contractors firm were to run the aforesaid two plants for sometime because for the management's employees it was a new technology and the management have not trained man power to run the plant. The period was to be utilised for training the BCCL's workers.

14. In the cross-examination he admitted that a tender was floated for the construction of Froth Flotation plant and not for the dump slurry plant. He has further admitted that no separate tender was floated for running and maintaining the aforesaid plants commercially. He has further admitted that as per the terms of contract the management was to provide man power for running the Froth Flotation Plant. He further admitted that there was no contract with the contractor firm and the management for supply of labourer to the management. He had denied that B and S Plant commissioned in the year 1988. He has also admitted that after final acceptance of both the plant the concerned workmen were involved in running the plant for the period and it was run besides for training period and this running of the plant was for the benefits of the company. He had further admitted that at the time of commissioning and final test acceptance of both the plants the management had no sufficient man power to run the plant itself. He had denied that after final test, acceptance the management had created some papers as camouflage just to show that the workmen running the plant were contractors employees and that they were paid by the contractors firm. He could not say that the workmen were interviewed for the regularisation in service. The workmen have examined WW-1 Shri R. D. Yadav Branch Secretary of Dugda Branch of Coal Washeries which is working in Dugda and this union has raised the dispute and he was fully acquainted with the facts of the case and has supported the case of the workmen and has further stated in cross-examination that he has not gone through the contract entered into with the management and the contractor firm of the washery and denied that the management did not engage contractors workmen for operation of the Froth Flotation Plant and dump slurry plant and that the work of those workmen were not supervised by the management and supervising authority. He had further denied that the management did not engage workmen during the period of operation. He has proved Ext. W-1 which is a document showing the assurance given by the management to the workmen for their regularisation if they got regularised through the employment exchange. He had denied that the concerned workmen were not the workers of

the contractor and that they were doing contractual work which came to an end their services were dispensed with when the contractual work came to an end and that the management has got no responsibility for regularisation of their service. He had further stated that the management violated the service condition and for non-employment of contractual workmen and for that an I. D. was raised by the sponsoring union.

15. WW-2 is one of the workman who have worked in Dugda Washery in Froth Flotation Plant since 1982 and he was giving evidence on behalf of the other workmen and himself. He has stated that all the workmen were working in the plant since 1982. He has supported the case as given in the W.S. and as stated WW-1 and further stated that they worked both in the F.F. plant and slurry plant in its running and operation from 1986 to 30-6-90 and have completed more than 240 days in 12 calendar months but they were not paid wages either as per NCWA or as per Steel Wage Board. They were stopped from work from 1-7-90. He has further stated that the contractor company M/s. Triveni Engineering Works Ltd. was never awarded contract for operation and maintenance of the aforesaid two plants. They demanded regularisation of their jobs and wages as per NCWA and an assurance was given to them by the management and they were asked to get their names enrolled from the Employment Exchange and when they were not taken new recruits were given employment. He has further stated that it is not correct that always appointment was made in the washery from the employment exchange and 800 to 900 workmen were appointed without calling for names from the Employment Exchange and they were earlier working as contractor workmen. He has further stated that they were appointed by M/s. Triveni Engineering Workers Ltd. for construction of F.F. Plant and wages were paid to them from the contractor company and thereafter the maintenance and operation work was done by them as per asking of the management and that during this period the wages were paid to them from the management and they worked for the benefit of the management and both the F.F. Plant and slurry plant were operated and maintained by them on commercial basis for the benefit of the company. He had denied that they had not completed more than 240 days in a calendar year and wrongly stated that they were stopped from work from 1-7-90 and further denied that Triveni Engineering Works has dismissed them on completion of contract work. He has further stated that they have worked in dump slurry plant and documents have been filed to this effect and there was relationship of employer and employee between the management and the workmen and have further denied that their claim was not justified.

16. Some documents have been filed on behalf of the parties. The workmen have filed photo copies of letter dated 19-3-83, Ext. W-1 given by the P.M. to the General Project Manager to ask the workmen to get the name of the workmen registered from the Employment Exchange. Ext. W-2 to W-31 are photo copies of interview letters issued to the workmen individually. Ext. W-32 is a letter given by the Chief Erection Engineer to the Dy. Chief Engineer stating therein that F.F. Plant came into operation from 15-4-86 and as recruitment was to be made for the persons manning those plants with effect from 1-7-87 and these workers having experience of running and operating plant, it was recommended that they may be taken into service and their jobs be regularised which would be beneficial to the management also. Ext. W-33 is also a letter given by the Chief Erection Engineer dated 22-7-86 to the Manager (Technical) BCCL about reimbursement and payment made to them as their wages for the work done by the workmen regarding running and operation of the plant. Ext. W-34 is a letter given by the Dy. Chief Engineers (Works) to the Dy. General Manager, Triveni Engineering Works asking for deputation of the workmen for operation of the Froth Flotation Plant as new recruits were not yet available to run the plant. Ext. W-35 and W-37 are another letters and W-36 is a note of discussion dated 28-1-1984 and as per Ext. W-36 it was agreed upon that 30 out of 106 contractors workers would be regularised in service.

17. On the other hand the management has filed Ext. M-1 series which are contractors bill showing payment made by the management to the Triveni Engineering Works for works done in different months by the workmen. Ext.

M-2 is photo copy of tender notice, M-3 copy of agreement and M-4 is letter. Ext. M-5 series are notesheets of different dates and Ext. M-6 is letter, M-8 is agreement and Ext. M-9 and M-10 are letters and Ext. M-11 is photo copy of transfer deed dated 3-6-87. From these documents it has been tried to show by the management that the concerned workmen were workers of Triveni Engineering Works Contractors firm and they were not the direct recruit of the management. Vide Ext. M-5 series it has been pointed that the management has agreed upon to regularise the job of the workmen as they were running and operating the Froth Flotation Plant and dump slurry plant. It was also pointed on behalf of the workmen that vide Ext. M-2 which is global tender notice, it is clear that this tender was called for and the work was allotted to Triveni Engineering Works for erection and construction of Froth Flotation Plant and not for erection of slurry plant and for running and maintenance of these two plants. It is also said that the contention of the management that the contractor company has been given work as per tender for both the plants for its maintenance till sometime is falsified from these documents of the management.

18. While arguing the case it has been submitted on behalf of the management that the workmen's case is that earlier they were working under Triveni Engineering Works Ltd. for Dugda Coal Washery for erection work but later on they were asked to run and operate and maintain the plant after its commissioning in the year April, 1986 as the trained man power was not available with the company management and they have worked there till 1987 and thereafter they were also engaged in construction of dump slurry plant in the year 1988 and which was commissioned in December, 1989 and they were further engaged for running and maintenance of this plant from 30-6-90 and they were stopped from work from 1-7-90. Thereafter they have raised a dispute under the I.D. Act before the ALC (C) on 27-7-90. It is further submitted that as per the case of the workmen they were engaged from the year 1982 onwards but the dispute as raised for the first time in July, 1990 after lapse of 8 years and it became stale demand and not maintainable. In support of its contention my attention was drawn to the authority of the Hon'ble Supreme Court of India in the case of Inder Singh and Sons Ltd. versus Their workmen reported in 1961 (2) LLJ 89, Shah Wallase and Co. Ltd. versus State of Tamil Nadu reported in (1) LLJ 177 and R. Ganeshwan versus Union of India reported in 1993 Lab. I.C. 802 and it is said that no reference under the I. D. Act, 1947 can be made in respect of contract labour and in this light the present reference is not maintainable. It was also said to be not maintainable as per authority of the Hon'ble Supreme Court of India as given in New Delhi Mazdoor Union versus Scope 1992 reported in Lab. I.C. 854 and Dina Nath versus National Fertilizer Limited reported in 1992 Lab. I.C. 75 where it has been held by Their Lordships of the Hon'ble Supreme Court that the contractor's labour does not become the direct employee of the employer and that they cannot claim regularisation with the employer. It was further held that the management cannot be forced nor there was any law that the management is required to keep regular workmen even in the job which are temporary in nature. It is further stated in the instant case that the concerned workmen were engaged by the contractor for the construction of the Froth Flotation plant and dump slurry plant and for the same global tender was issued and thereafter the contractor was ordered to perform the job and payment was made on submission of bills by the said contractor company and the workmen were engaged by the contractor company and they were not the direct employees of the management.

19. It is further submitted that as per authority given by the Hon'ble Supreme Court in the case of Electricity Board Thermal Power Station Gujarat versus Hind Mazdoor Sabha 1995 (2) LLJ, 791 it is for the workmen to establish that the contract labour system as engaged in this case was sham and camouflage to deny the legitimate right of the workmen and the sponsoring union have to establish this fact but they have miserably failed to establish that this contract given to the contractor company M/s. Triveni Engineering Works was sham and camouflage in any way and even before the ALC (C) when the matter was raised on 27-6-90 and it was their case that they were employed initially under the contractor company

in the year 1982 and there was no question to deny the claim of the workmen. It is further submitted that the work of the workmen were never stopped by the management as alleged from 1-7-90 rather they might have been dismissed by the contractor company on completion of the contract work and as such there was no question of giving any notice or notice compensation as provided under Section 25-F of the I. D. Act, 1947, and that they have also not completed more than 240 days of continuous regular work with the management in 12 calendar months in a year and they were also not entitled for reinstatement or regularisation of their job with the management for being engaged in doing permanent and perennial nature of job. They were engaged by the contractor firm for doing temporary nature of job and as such they cannot claim any job of regularisation from the management and their claim was not genuine and justified.

20. On the other hand it has been submitted on behalf of the workmen that no doubt the concerned workmen were initially engaged by M/s. Triveni Engineering Works Ltd. the construction contractor company for construction of Froth Flotation Plant which was commissioned in April, 1986 as per terms and conditions of global tender of the contractor company but after testing and commissioning of the said plant in April, 1986 vide Ext. W-32, 33 and 34 on asking of the management these workmen were engaged for running and operation of the said plant as the management has no sufficient trained manpower to run the plant. It is further submitted that this running and operation of the F.F. Plant is a permanent and perennial nature of job in which the workmen were engaged at the instance of the management for running the plant commercially and for the benefit of the management, where they worked till October, 1987. Thereafter they were further engaged for construction and erection of dump slurry plant for which no global tender was invited and vide Ext. M-2 and this tender was only for the erection and construction of the F.F. Plant. It is further pointed out that the workmen completed construction and erection of the dump slurry plant which was commissioned in December, 1989 and here again they were engaged for running and maintenance of this plant from January, 1990 to 30-6-90 commercially for the benefit of the management at their asking but all of a sudden they were stopped from work by the management with effect from 1-7-90 without any notice or notice compensation or rhyme or reason and this action of the management was illegal, unjustified and void abinitio.

21. It is pointed out that the workmen were engaged for running and operation of the F.F. Plant and construction of dump slurry plant and its running and operation commercially for the benefit of the management at the latter's asking from April, 1986 to June, 1990 continuously and in the process they have completed more than 240 days of work regularly in 12 calendar months for years together and the work done by them was perennial and permanent in nature and this fact has been admitted by MW-1 and MW-2. It is also admitted that no separate tender was called for construction of dump slurry plant and its operation. As per agreement Ext. M-2 the management was to take over both the Plant from the contractor company on its completion and commissioning and testing but the management showed its helplessness to run the plant in absence of the sufficient trained work force and accordingly asked the concerned workmen who were experienced persons to run and operate both the plants commercially for the management and it was never a temporary nature of job. It is further pointed that at the asking of the management these workmen got their names enrolled with the local employment exchange and their names were also sponsored from the employment exchange to the management and they were also interviewed by the management but unfortunately for the reason best known to the management somehow were recruited and appointed in place of the concerned workmen and they were left behind without any reason and from 1-7-90 they were stopped work illegally by the management without complying with the provision of Section 25-F of the I. D. Act, 1947 as such their stoppage from work was void abinitio and they are entitled for reinstatement and regularisation in service with full back wages from that day as they were doing permanent and perennial nature of job to run both the plants commercially for the benefit of the management. It is further submitted that after completion of construction of F.F. plant they were not engaged further by the contractor company

M/s. Triveni Engineering Works Ltd. and thereafter they were working directly under the supervision and guidance of the officers and engineers of the management for running the plant and construction of dump slurry plant and it is commercially running till 1st July, 1990. So far payment vouchers produced by the management Ext. M-1 series are concerned, it is clear that monthly payment was being made to the workmen through contractor company which was simply a paper arrangement and camouflage to deny the legitimate claim of the workmen for their regularisation in job after working so many years regularly for the benefit of the management.

22. It is also pointed out that as per Ext. M-5, M-5/1 which are notesheets given by the Chief Finance Manager dated 11-4-87 it is clearly mentioned therein that performance of the F.F. Plant was established and at their request the workmen were asked to continue the operation of the plant and they were not in readiness to post their men and even after recruitment of fresh manpower they have to get them trained by the contracting company to run these plants. It is also clear from this Ext. M-5/1 that as the management has inadequate manpower to run the plant which they expected to get trained manpower from January, 1987 but it was not available and the workmen were asked to run the plant commercially for the management. Similarly the workmen were also engaged for the dump slurry plant for the construction and erection from October, 1987 which was completed in June, 1987 and after testing and its commissioning the workmen were directed to run the plant till 30-6-90 commercially on behalf of the management as the later has no trained manpower for the same.

23. In this regard my attention has been drawn on behalf of the sponsoring union to the authority given by the Hon'ble Supreme Court in Labour Law Reported page 634 between R. K. Panda and Others vrs. Steel Authority of India Limited where it was held by Their Lordships that "It need not be pointed out that in all such cases the labourers are initially employed and engaged by the contractor. As such at any point of time a direct link is established between the contractor labour and the principal employer eliminating the contractor from the scene is a matter which has to be established on material produced before the Court. Normally the Labour Court and the Industrial Tribunal under the Industrial Disputes Act are the competent Fora to adjudicate such dispute on the basis of the oral and documentary evidence produced before them."

24. In this light it is pointed out on behalf of the workmen that initially they were engaged by the contractor M/s. Triveni Engineering Works Ltd. for construction of F.F. Plant as per tender but thereafter they were under direct control, supervision and guidance of the management for running and operating the plant commercially from April, 1986 which is admitted from Ext. W-32 to W-34 and also from Ext. M-5 and M-5/1 and they were further engaged for construction and running and maintaining the dump slurry plant till 30-6-90 by the management and this contracting company has no roll to play after April, 1986 and any payment voucher shown in the name of the contracting company is simply a sham and camouflage to deprive the workmen from their valid regularisation of job even when their names were sponsored from the Employment Exchange and interview was held for their regularisation. It is also submitted that earlier also more than 800 to 900 workmen were directly engaged and regularised by the management at different period of time who were initially contractors labour and this fact has not been refuted by the management either by any oral or documentary evidence and as such it must be taken as an admitted fact.

25. It is further pointed out that on similar nature of case Ref. 58/92 has been decided by this Tribunal between Swang Washery versus their workmen there it was held in view of the number of findings of the Hon'ble Supreme Court and Hon'ble High Court that the contractor workmen are entitled for their regularisation. Similarly Reference Case No. 115 of 1988 of Giddi Washery has also been of 1988 of Giddi Washery has also been decided in favour

of the workmen and Reference No. 271/90 of Sudamdih Coal Washery was also decided in favour of the workmen which was further confirmed by the Hon'ble Patna High Court, Ranchi Bench in CWJC No. 1980 of 1993 (R) and further confirmed by the Hon'ble Supreme Court in SLP No. 18092/94. A reference No. 113/90 concerning workmen of Kathara Washery and Reference Case No. 105/90 concerning contractor worker of Kuya Colliery have also been referred where these cases were decided in favour of the workmen by the Tribunal and last one 105/90 was also confirmed by the Hon'ble Patna High Court, Ranchi Bench, Ranchi in C.W.J.C. No. 1221/93 (R).

26. Not only this but also a number of authorities have also been referred to by the workmen (1) 1962 LLJ Vol. I page 131 United Salt Workers and Industries Limited, Kandla Vrs. Their workmen, (2) 1963 LLJ Vol. II 447 Basti Sugar Mill Vrs. Ram Ujagar, (3) 1964 LLJ Vol. II page 663 (SC) D. C. Diwan Mahiuddin Sahab vrs. Their workmen, (4) SCLJ Vol. X page 21 Saraspur Mills Co. Vrs. Ramanlal Chaman Lal, (5) 1978 Lab. I.C. page 1264 Hussain Bhai Vrs. Alath Factory, (6) 1987 Lab. I.C. page 619 Catering cleaner of S.E. Railway Vrs. Union of India, (7) Labour Law Reporter 1994 page 634 R. K. Pandla and Others Vrs. SAIL, (8) SCLJ Vol. XV page 101, Royal Talkies Vrs. ESI, (9) LLJ 1995 page 552 Gujrat Electricity Board Vrs. Hind Mazdoor Sabha, (10) IFLR 1995 page 102, (11) 1995 Vol. II CLR page 194 Parimal Chandra Raja Vrs. LIC, (12) 1995 Vol. II CLR page 214 National Federation of Railway Porters Vrs. Union of India and Ors. (13) LLJ 1991 Vol. I page 19 (Patna High Court) S. K. Nasiruddin Biri Factory Vrs. Their workmen, (14) Indian Factories and Labour Report 1992 page 625 ATR India Vrs. Union of India and Others, and (15) Indian Factories and Labour Report 1992 page 236 Calcutta High Court. From these authorities of the Hon'ble Supreme Court and the High Court it has been tried to show that as the concerned workmen have worked for such a long period from 1982 till June, 1990 initially under the contractor company and later from April, 1986 onward for running and maintenance of the F.F. Plant and Dump Slurry plant on the asking of the management to run these plants commercially for the benefit of the management and their work was admittedly perennial and permanent nature of job which was being subsequently done by the regular workmen of the management and they were stopped from work by the management arbitrarily and abruptly from first of July 1990 which is void abinitio. It is further submitted that there is no merit in the plea taken by the management that it is a stale claim as the workmen are working since 1982 and the dispute was raised in the same July, 1990 before the ALC (C) for conciliation and as such there is no delay at all on the part of the workmen and there is no case of stale claim. I agree with the contention of the workmen.

27. After considering both oral and documentary evidence adduced on behalf of the parties and also the points of argument advanced on behalf of the parties I find much force in the plea taken by the workmen and the sponsoring union that the workmen have regularly worked for running and maintaining the F.F. Plant from April, 1986 onwards and also for construction of Dump Slurry Plant from November, 1987 and for its running and maintenance from January, 1990 to 30-6-92 commercially for the benefit of the company on the asking of the company management vide Ext. W-32 to W-36 and Ext. M-5 series and so naturally they have completed more than 240 days work in 12 calendar months for years together and their stoppage termination of work from 1-7-90 cannot be said to be justified and valid and proper without compliance of provisions of Section 25-F of the I. D. Act. In view of the above matter I find that the concerned workmen are entitled for their reinstatement and regularisation in job from 1-7-90 onward the date of their stoppage from by the company management. I also find just that the name of M/s. Triveni Engineering Works Ltd., the construction company drawn by the management is simply a paper arrangement from April, 1986 onwards and is a sham and camouflage to show that they were working under the contractor company whereas the fact is that the workmen were directly under the control and supervision of the Washery management for running the plant commercially for the benefit of the management and they were being paid their wages by the management and as such certainly there was relationship of employer and employee between the workmen and the management from April, 1986 till their termination on 1-7-90.

28. So far payment of back wages is concerned it is clear that the workmen were disengaged or stopped from work arbitrarily and without any rhyme or reason by the management from 1-7-90 without compliance of Section 25-F of the I. D. Act, 1947, so their stoppage of work is certainly illegal and unjustified and the workmen are entitled for payment of back wages but as principle of no work and no pay this plea has been taken by the management. Further I find that there is nothing to show that after stoppage of work the workmen were engaged in some other pursuits for financial gain and for that the management is directed to pay at least 30% of full back wages to the workmen for their idle period i.e. from 1-7-90. Thus the action of the management in not regularising and absorbing the concerned workmen in regular service of the management is totally unjustified and the workmen are entitled for their regularisation/absorption in the job with back wages. Accordingly all the points are decided in favour of the workmen and against the management.

29. Hence, the following Award is rendered : -

"The 35 persons whose names are shown in the Annexure and who were employed by M/s. Triveni Engineering Works, a contractor at Dugda Coal Washery are to be treated as workmen of M/s. BCCL and the demand of the Coal Washeries Workers Union that these persons be regularised/absorbed in the services of M/s. BCCL is justified. Consequently, the concerned 35 workmen whose names are shown in the Annexure are entitled for their reinstatement and regularisation in the service of M/s. BCCL with effect from 1-7-90 with 30% of full back wages."

The management is directed to reinstate and regularise the concerned 35 workmen in their service with effect from 1-7-90 with payment of 30% full back wages within two months from the date of publication of this Award in the Gazette of India.

30. However, there will be no order as to costs.

T. PRASAD, Presiding Officer

ANNEXURE

1. Mr. Rajkamal Singh
2. Mr. Raghubir Singh
3. Mr. Prahlad Upadhaya
4. Mr. Ram Kumar Ojha
5. Mr. Rajiv Ranjan Singh
6. Mr. Bharat Nandan Prasad
7. Mr. Lal Mohan Karamkar
8. Mr. Harihar Singh
9. Mr. Gopal Ch. Das
10. Mr. Bipat Manjhi
11. Mr. Dasrath Mahto
12. Mr. Hari Pd. Mahto
13. Mr. Jagan Manjhi
14. Mr. Sahendra Nath Jha
15. Mr. Shyam Lal Manjhi
16. Mr. Arun Kumar Singh
17. Mr. Bishwa Nath Mahto
18. Mr. Manhar Pd. Turi
19. Mr. Thakur Pd. Mahto
20. Mr. Jaikumar Manjhi
21. Mr. Jagdish Mahto
22. Mr. Rajkumar Mahtha
23. Mr. Nageshwar Mahto
24. Mr. Awdesh Pandey
25. Mr. Prem Shankar Prasad

26. Mr. Budhan Karamkar
27. Mr. Bhagirath Mahto
28. Mr. Ashwani Kr. Jha
29. Mr. Nagendra Mishra
30. Mr. Chandrakes Yadav
31. Mr. Ramchandra Yadav
32. Mr. Thithar Yadav
33. Mr. Ram Bachan Tiwari
34. Mr. Dhurb Narain Mishra
35. Mr. Kameshwar Mahato.

नई दिल्ली, 4 जुलाई, 1997

का.आ. 1897.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मद्रास डॉक लेबर बोर्ड के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण मद्रास के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-7-97 को प्राप्त हुआ था।

[सं. एन-33012/1/96-आईआर (बिधि)]

बी०एम० डेविड, डेस्क अधिकारी

New Delhi, the 4th July, 1997

S.O. 1897.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madras Dock Labour Board, and their workman, which was received by the Central Government on 4-7-97.

[No. L-33012/1/96-IR(Misc.)]

B. M. DAVID, Desk Officer
ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Thursday, the 20th day of February, 1997

PRESENT :

Thiru S. Thangaraj, B.Sc., L.L.B., Industrial Tribunal
Industrial Dispute No. 100 of 1996

(In the matter of the dispute for adjudication under Section 10(J)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Madras Dock Labour Board, Madras).

BETWEEN :

Sh. D. Kumar,
S/o. Damodaran,
No. 65, New Amarpakka,
Tondiarpet, Madras-81.

AND

The Deputy Chairman,
Madras Dock Labour Board,
Rajaji Salai,
Madras-600 001.

REFERENCE :

Order No. L-33012/1/96-IR(M), Ministry of Labour,
dated 13-1-96 Govt. of India, New Delhi.

This dispute coming on for final hearing on this day, upon hearing of M/s. Aiyar & Dolia and P. Arumugam, Advocates appearing for the management, and the petitioner and respondent having filed a joint memorandum of compromise, and Tribunal recording the same, passed the following.

AWARD

This reference has been made for adjudication of the following issue :—

“Whether the action of the management of Deputy Chairman, Madras Dock Labour Board Madras in terminating the services of Shri D. Kumar, and Ex. R. P. Mazdoor, No. 2763, with retrospective effect from 1-9-90 without complying the provisions of the I.D. Act, 1947, is just, proper and legal? If not, to what relief is the workman entitled to?”

Parties filed Joint Memo of compromise. Joint memo recorded. Award passed in terms of joint memo. No Costs.

Dated, this the 20th day of February, 1997

THIRU S. THANGARAJ, Industrial Tribunal
COPY OF JOINT MEMO FILED BY PETITIONER AND
RESPONDENT

D. Kumar,

S/o. Damodaran,
No. 65, New Amarpaka,
Tondiarpet,
Chennai-600 081.

.. Petitioner.

Vs.

Deputy Chairman,

Madras Dock Labour Board,
Rajaji Salai,
Chennai-600001.

.. Respondent

JOINT MEMO FILED BY THE PETITIONER &
RESPONDENT

1. The Petitioner categorically undertakes not to claim wages for the period between 1-9-1990 and the date of fresh employment as casual mazdoor in Madras Dock of Labour Board.
2. The Petitioner gives up once and for all his claims for back wages and service benefits and agree to accept fresh employment as Casual Mazdoor;
3. On the above promises, the Respondent agrees to take the petitioner afresh in the service as Casual Mazdoor.

Dated, at Chennai this day of 1997.

Sd/-

Counsel for Petitioner.

Counsel for respondent.

Sd/-

D. Kumar.
Petitioner.

Sd/-
Respondent.

नई दिल्ली, 8 जुलाई, 1997

का.आ. 1898.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टैंडर्ड चार्टर्ड बैंक, नई दिल्ली के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-7-97 को प्राप्त हुआ था।

[[संख्या एन-12012/216/90-आईआर. (बी-3)]]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 8th July, 1997

S.O. 1898.—In pursuance of Section 11 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Standard Chartered Bank New Delhi and their workman, which was received by the Central Government on 7-7-97

[No. L-12012/216/90-IR (B-III)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 134/90

In the matter of dispute between :

Shri P. K. Krishnan Driver,
r/o 4/147, Dakshinipuri, New Delhi-110062.

Versus

Manager,

Standard Chartered Bank,
Allahabad Bank Building,
17 Sansad Marg,
New Delhi-110062.

APPEARANCES :

None—for the workman.

Shri S. K. Bhatnagar—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/216/90-IR.(B-3) dated 8-11-90 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether Shri P. K. Krishnan, Driver, was the workman of Standard Chartered Bank, New Delhi? If so, whether the action of the Bank management in terminating the services of Shri P. K. Krishnan w.e.f. 5-2-90 was justified? If not, to what relief the workman is entitled to?"

2. The brief facts of this case as detailed in the statement of claim are that the workman was appointed as driver on 6-3-89. He was driving car No. DBA 7439 for official purposes of the management bank. He was performing his duties continuously and regularly under the supervision, guidance and control of the management of the bank through its officials. He was paid wages @950 PM for 9 hours of duty. Besides this he was also paid for the overtime duty done under the control of the management. There are other drivers of the bank namely Shri Bhalo Singh, Shri A. Thomas, Shri Triveni Mistri, Shri Poonam Pal and Mali namely Shri Ram Pyare and Shri Khosla etc. All of them work under control, supervision and direction of the management. Some of the employees are not being paid the minimum wages as declared by the Delhi Administration/Government. The management was habitual in resorting to its policy of unfair labour practices and victimisation and as an example of this an appointment letter was not issued to the workman and others. The workman and all others in similar situation persons were denied provident fund and other legal benefits. Due to the issuance of a demand letter served on the management through their counsel Shri R. N. Singh Advocate, the management vindictively terminated the services of the workman and refused him duty w.e.f. 5-2-90. The termination of his service was illegal and unjustified and in violation of the provisions of section 25-F of the I.D. Act. He approached the management but they did not bother to reinstate him. Hence this reference

3. The Management in reply to this alleged that the workman was never employed by the bank and Bank cars are given to certain categories of officers as per their entitlement and the bank only reimburses the Officers towards fuel and maintenance and has absolutely no connection with any person/persons engaged by the Officer as his personal driver. The terms of employment of the workman was a matter purely between the officers who engaged him and the driver. The workman was engaged by Mr. P. B. Menon Manager Corporate Banking in his personal capacity. He was under the supervision control and direction of the said officer and not that of the bank. Since he was never appointed by the management so the question of issuing any appointment letter to him did not arise. Claim of the applicant according to the management was worthy of dismissal.

4. The Management in support of its case examined Shri Ashok Sahni MW1, A. K. Kalra MW2 and P. B. Menon MW3 while the workman himself appeared as WW1.

4. I have heard the representatives for the parties and have gone through the record file.

5. The representative for the workman has urged that the workman was engaged by the management and he was in their regular service @Rs. 950 PM as salary. He used to report for duty at the residence of Mr. Menon in the morning and used to work under the instructions of Mr. Menon. The representative has thus urged that there is no reason to disbelieve the statement of the workman himself on oath regarding his employment by the management.

6. Representative for the management on the other hand has urged that the bank is a organised institution and cannot employ people without any appointment letter. No appointment letter was issued to the workman nor did he ask for this. His attendance has never been marked anywhere in the official record of the management. The workman himself has admitted that all benefits available to all regular employees were not being granted to him, if he had been in the employment of the management the management would not deny him payment of all other benefits available to regular employees of the bank. He has named to many persons in his statement of claim as working like him but has not brought any of them in support of his case. He was not proved to be the employee of the bank and as such the question of his termination by the bank does not arise at all.

7. A perusal of the points urged before me by the representative for the parties leads me to the conclusion that the workman P. K. Krishnan has not been able to discharge the burden that laid down on him to prove that he was workman of the management bank. He has himself come into the witness box and the following portion of his statement is very important which is reproduced as follows :

"Mr. P. B. Menon, Manager, Corporate Banking had an official car. The car was being maintained by the Bank. I was the driver on that car. I was not issued any appointment letter by the Bank. I was not being granted any benefits available to all regular employees of the Bank under different settlements. Mr. Menon used to pay me Rs. 950 PM. I used to report for duty at the residence of Mr. Menon in the morning and used to park the vehicle at his residence in the evening, I used to work under the instructions of Mr. Menon."

8. A perusal of his statement made on oath in the court and in the absence of any documentary evidence either produced by the workman or got produced from the management by the workman simply leads to the conclusion that there was no relationship of employer and employee between the workman and the bank. No letter of appointment was issued to the workman. he was not getting any benefits as were applicable to other employees of the bank under different settlements and he was not getting any other statutory benefits like bonus, provident fund etc. which are paid to other employees of the management. There is nothing on record to show that he was

for any purpose under the control and supervision of the management. No record exists on the file to show that any payment of wages was received by the workman from the management bank at any time during the period of his employment. Shri P. B. Menon has stated on oath that he had employed the workman as his personal driver who used to take him to the bank and his family members also wherever they wanted. All these facts taken together simply go to prove that the workman was not an employee of the management bank and the question of the termination of the service by the bank did not arise. The workman was private employee of Shri P. B. Menon and termination of his services by Mr. Menon in his individual capacity does not entitle. The workman to get his dispute adjudicated in his favour by this court in any manner. The claim of the workman does not stand proved and he is not entitled to any relief whatsoever from this Tribunal. Parties are, however, left to bear their own costs.

22nd May, 1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 8 जुलाई, 1997

का.आ. 1899 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईसीएल के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-7-97 को प्राप्त हुआ था।

[सं. एल-22012/24/96-आई आर सी-II]

एस० रविश अली, डेस्क अधिकारी

New Delhi, the 8th July, 1997

S.O. 1899.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of E.C. Ltd. and their workman, which was received by the Central Government on the 4-7-97.

[No. L-22012/24/96-IR(C-II)]

S. RAVISH ALI, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 10/97

PRESENT:

Shri R. S. Mishra, Presiding Officer.

PARTIES:

Employers in relation to the management of Khandra Colliery of M/s. E.C. Ltd.,

AND

Their Workmen

APPEARANCES:

For the Employer—Shri P. Banerjee, Advocate.

For the Workmen—None.

INDUSTRY : Coal. STATE : West Bengal.

Dated the 19th June, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/24/96-IR(C-II) dated 24-2-97.

"Whether the action of the management of Khandra Colliery under Bankola Area of M/s. ECL in not regularising Sh. Kanailal Dutta, Electrician in Category VI/T & S Gr. 'C' is justified? If not, what relief the workman is entitled to?"

2. In spite of service of registered notice, as reflected by the postal acknowledgement card, the union neither appears nor takes any other step. Apparently not interested in the dispute.

3. Hence 'No Dispute Award' is passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 8 जुलाई, 1997

का.आ. 1900.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईसीएल के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-7-97 को प्राप्त हुआ था।

[सं. एल-22012/545/94आई आर (सी II)]

एस रविश अली, डेस्क अधिकारी

New Delhi, the 8th July, 1997

S.O. 1900.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of E.C. Ltd., and their workman, which was received by the Central Government on the 4-7-97.

[No. L-22012/545/94-IR(C-II)]

S. RAVISH ALI, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL

Reference No. 32/95

PRESENT:

Shri R. S. Mishra, Presiding Officer.

PARTIES:

Employers in relation to the management of
Chinakuri Colliery of M/s. E.C. Ltd.

AND

Their Workmen

APPEARANCES:

For the Employer—Sri P. K. Das, Advocate.

For the Workmen—Sri C. D. Dwivedi, Advocate.

INDUSTRY : Coal. STATE : West Bengal.

Dated the 16th June, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012[545] 94-IR(C-II) dated 19-6-95.

"Whether the action of the management of Chinakuri Colliery in changing the year of Birth of Shri Parsh Chandra Ganguly, Electrical Foreman is justified. If not, to what relief is the concerned workman entitled to?"

2. As in spite of repeated adjournments the union does not file Written Statement, it is assumed that the union is not interested in the dispute.

3. Hence 'No Dispute Award' is accordingly passed.

R. S. MISHRA, Presiding Officer

नई दिल्ली, 8 जुलाई, 1997

का.आ. 1991.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 17) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार सैनरी की कोलीयों के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, 1947 की धारा 17 के अन्तर्गत को प्रेषित किया गया है।

[पि. एन-22012/476/94-आई आर (सी. II)]

प्र. सं. 1997, 11 अक्टूबर

New Delhi, the 8th July, 1997

S.O. 1991.—In pursuance of Section II of the Industrial Disputes Act, 1947 (1947 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. B.C.C. Ltd. and their workman which was received by the Central Government on the 4-7-97.

[No. L-22012[476]94-IR(C-II)]

S. RAVISH ALI, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL, ASANSOL

Reference No. 18/95

PRESENT:

Shri R. S. Mishra, Presiding Officer.

PARTIES:

Employers in relation to the management of
Damagoria Colliery of M/s. B.C.C. Ltd.,

AND

Their Workmen

APPEARANCES:

For the Employer—Sri P. K. Mahapatra, Sr.
P.O.

For the Workmen—Sri S. K. Singh, Sr. Secy.

INDUSTRY : Coal. STATE : West Bengal.

Dated the 18th June, 1997

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012[476] 94-IR(C-II) dated 16-5-95.

"Whether the action of the management of Damagoria Colliery in not paying the wages to Sh. Anjor Singh for the period from 27-5-88 to 11-4-89 is justified? If not, to what relief is the concerned workman entitled to?"

2. The union submits that the dispute is settled between the parties and the union files photocopy of the written settlement which has been duly signed by the parties.

3. Award as per the terms of settlement is passed and the settlement to form a part of the award.

R. S. MISHRA, Presiding Officer

BEFORE THE HON'BLE PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, ASANSOL

Ref. No. 18/95

PARTIES:

Employers in relation to the Management of
Damagoria Colliery of M/s. Bharat Coking
Coal Ltd.

AND

Their Workman

your humble petitioner respectfully beg to
sweth as under :—

that, the Ministry of Labour, Government of India, New Delhi, made a ref. for adjudication by the Hon'ble Tribunal of the Industrial Dispute raised by Janta Mazdoor Sangh vide No. 18/95 dated 16-5-1995. The order of Ref. reads as under:—

"Whether the action of the management of Damagoria Colliery in not paying the wages to Sh. Anjor Singh for the period from 27-5-88 to 11-4-89 is justified? If not, to what relief is the concerned workman entitled to?"

that, the parties to the aforementioned dispute discussed and decided for settlement of the aforementioned Industrial Dispute outside the Tribunal on the terms and conditions mentioned hereunder:—

"(i) The workman involving in the order of ref. namely, Anjore Singh, Wagon Loader of Damagoria Colliery of M/s. Bharat Coking Coal Ltd., will be paid 50 per cent (Fifty percent) of the wages for the idle period from 27-5-88 to 10-4-89 subject to the maximum upto Rs 10,000 (Rupees ten thousand) in full and final settlement of the claim.

(ii) No further or other claim will be made either by the above named workman or the union involved in the instant Ref. at any forum at any point of time."

That, the humble petitioner prays for disposal of the instant Ref. treating this settlement as part of the Award.

The parties, shall remain, as duty bound, ever grateful for this kind act.

Dated. 04-04-1997

Damagoria Colliery.

Representing Union. Representing Management.

(1) Subh's Kr. Singh. (C. P. Singh)

(2) (Dal Singh). C.G.M., CV Area
(A. L. Roy)
C.P.M. CV Area

Witnesses

1. P. K. Mahapatra.

Sr. personnel, CV Area.

2. Anjore Singh,
the workman.

नई दिल्ली, 7 जलाई 1997

का.आ. 1902.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेलफेयर कमिशनर नागपुर के प्रवक्ता के संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय

सरकार औद्योगिक अधिकरण नं. 2, मुम्बई के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-7-97 को प्राप्त हुआ था।

[नं. एल-42012/238/94-आई आर (द्यौ)]

के.बी. उण्णी, डेस्क अधिकारी

New Delhi, the 7th July, 1997

S.O. 1902.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Welfare Commissioner, Nagpur and their workman, which was received by the Central Government on 7-7-97

[No. I-42012/238/94-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer

Reference No. CGIT-2/44 of 1996

Employers in relation to the Management of Labour Welfare Organisation.

AND

Their Workmen

APPEARANCES :

For the Employer.—No appearance.

For the Workmen.—No appearance.

Mumbai, dated 19th June, 1997

AWARD

The Government of India, Ministry of Labour by its Order No. I-42012/238/94-IR(DU) dated 26-8-96, had referred to the following Industrial Dispute for adjudication :

"Whether the action of the management of welfare commissioner, Nagpur in terminating services of Mrs. Mandakini G. Gawasane, Ava Dispensary, Beedi workers Welfare Organisation Solapur is justified? If not, what relief the workman is entitled to?"

2. After the receipt of the reference the parties were duly served. But nobody attended the court. The matter was adjourned time and again. The workman sent a letter dated 18-2-97 by a Registered post, acknowledgment due to this Tribunal informing that she received the employment from 19-6-86 in another department and under such circumstances she does not want to proceed with the matter. The signature on this letter and the signature on the acknowledgment receipt appears to be same. I treat this letter as an application for not proceeding with the reference. Under such circumstances I pass the following order :

ORDER

The reference is disposed off for want of prosecution.

S. B. PANSE, Presiding Officer

नई दिल्ली, 8 जुलाई, 1997

AWARD

का.आ. 1903.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयर फोर्स स्टेशन बीच सी एस डी कैंटीन, त्रिवेन्द्रम के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोलाम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-7-97 को प्राप्त हुआ था।

[सं. एल-14012/21/95-आई. अ.र. (डी. यू.)]
के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 8th July, 1997

S.O. 1903.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Kollam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Air Force St. Beach CSD Canteen, Trivandrum and their workman which was received by the Central Government on the 8-7-1997.

[No. L-14012/21/95-IR(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE**IN THE COURT OF THE INDUSTRIAL TRIBUNAL, KOLLAM**

(Dated, this the 24th day of June, 1997)

PRESENT :

Sri C. N. Sasidharan, Industrial Tribunal
IN

Industrial Dispute No. 2/97

BETWEEN

The Chief Administrative, Officer, Air Force Station, Beach Canteen No. 17, FBSU Air Force, Beach P.O. Trivandrum, Kerala.

(By Sri N. Krishnan Kutty, Advocate.
Trivandrum).

AND

Sri P. R. Bose, Putehntaravil House, Bharanikavu Village, Kayamkulam, Alappuzha.

(By Sri Vijayachandra Babu, Advocate, Trivandrum).

This industrial dispute has been referred for adjudication to this Tribunal by the Government of India as per Order No. L 14012/21/95-IR(DU), dated 27-1-1997 for adjudicating the following issue :—

“Whether the action of management of Air Force Station Beach CSD Canteen, Trivandrum in terminating the services of Sri P. R. Bose is legal and justifiable? If not, to what benefits the workman is entitled?”

2. In pursuance to notice issued from this Tribunal both sides entered appearance. To-day when the case was taken on for the claim statement of the workman, the learned counsel, for the workman submitted that the workman is not prosecuting this matter further due to the pendency of an appeal filed by the workman under the Kerala Shops and Commercial Establishments Act. A petition to this effect was also filed.

3. In view of what is stated above this dispute is hereby closed reserving the right of the workman to continue the shop appeal pending before the Deputy Labour Commissioner, Trivandrum.

An award is passed accordingly.

C. N. SASIDHARAN, Industrial Tribunal

नई दिल्ली, 8 जुलाई, 1997

का.आ. 1904.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी पी. डब्ल्यू. डी. नई दिल्ली के प्रबन्धतंत्र के संबद्ध नियोजकों और कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-7-97 को प्राप्त हुआ था।

[सं. एल-14012/44/94-आई आर (डी यू.)]
के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 8th July, 1997

S.O. 1904.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the

employers in relation to the management of CPWD, New Delhi and their workman, which was received by the Central Government on the 8-7-1997.

[No. L-42012/44/94-IR(DU)]

K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA :

PRESIDING OFFICER : CENTRAL
GOVERNMENT INDUSTRIAL
TRIBUNAL : NEW DELHI
I.D. NO. 37/95

In the matter of dispute between :

Smt. Dhirwati Devi as represented by

CPWD Mazdoor Union, F-26 (Old Quarter)
Raja Bazar, Baba Kharak Singh Marg,
New Delhi.

VERSUS

M/s Chief Engineer,
Electrical Zone-I,
CPWD, Vidhut Bhavan,
Shankar Market,
New Delhi.

APPEARANCES :

Shri B. K. Pershad for the workman.
None for the management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/44/94 IR (DU) dated 24-2-95 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the Executive Engineer (Elect.) Elect. Divn. No. IV CPWD, New Delhi was justified in not regularising the services of Smt. Dhirwati Devi, Sweeper. If not, what relief the workman is entitled to?”.

The workman in his statement of claim alleged that she was initially appointed on 1st August, 1980 as Sweeper on Daily basis in Electrical Construction Division No. IV and was posted at Sub Division I by the Management. After the passing of the order of the Hon'ble Supreme Court dated 17-1-86 in case of Surinder Singh and another Vs. Engineer in

Chief CPWD the management paid to the workman equal pay for equal work arrears w.e.f. 21-8-86 in the time scale of Rs. 750-940 with all allowances but retained the arrears w.e.f. 1-8-80 to 20-8-86 the old pay scale of sweeper was Rs. 196-232 while new scale was 750-940. The workman demanded from the management full particulars of her activities but the management gave only the particular from 1-3-86 to 21-8-86. It was further alleged in the statement of the claim that the services of many others were regularised but not that of the workman. The workman has prayed that the award may be given to regularise whole of the services of the workman w.e.f. 1-8-80 and the payment of wages from that date on the basis of old scale and from 1-1-86 new scale be paid to her.

3. Notice of this reference was sent to the Management. It was after 4-5 days that one N. K. Bansal Office Superintendent of the Electrical Division appeared to whom copy of the claim was supplied. He was directed to file written statement. Nobody appeared thereafter on behalf of the management and the management was thus ordered to be proceeded against *ex parte*.

4. *Ex parte* evidence of the workman was recorded and the workman representatives arguments heard. In view of the sworn testimony of the workman and points taken up in the statement of claim I am of the opinion that there is no reason to disbelieve the unchallenged statement of the workman. The management has not cared even to file written statement in this case though one of their official was supplied with the copy of the statement of claim and the management was thus proceeded against *ex parte*. I, therefore, order that the workman be regularised w.e.f. 1-8-80 with all consequential benefits like seniority, increments etc. and the wages for that period equal to the other regularised employees he also be paid interest @ 12 per cent per annum. Management is also burdened with Rs. 500 as the costs of this reference. Award is given accordingly.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end.

Date : 6th May, 1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 10 जुलाई, 1997

का.आ. 1905.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार निदेशक, केन्द्रीय पशु प्रजनन फार्म, सूरतगढ़, के प्रदत्तत्व के संबंध निोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निश्चित औद्योगिक विवाद में औद्योगिक अधिकरण, बीकानेर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार/को 10-7-97 को प्राप्त हुआ था।

[सं. एल-42012/100/93-आई आर (ओ यू)]
के.वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 10th July, 1997

S.O. 1905.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Bikaner as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Director, Central Cattle Breeding Farm, Suratgarh and their workman, which was received by the Central Government on the 10-7-1997.

[No. L- 42012/100/93-IR (DU)]

K. V. B. UNNY, Desk Officer

अनुबंध

औद्योगिक न्यायाधिकरण, बीकानेर

केन्द्रीय औद्योगिक विवाद प्रसंग सं० 4 सन् 1995

श्री सुरेश कुमार पुत्र श्री सुवेदार-मार्फत श्री भारतभूषण आर्य-सहामंत्री बीकानेर डिविजन ट्रेड यूनियन काउन्सिल-1, खजांची बिल्डिंग, बीकानेर

—प्रार्थी/श्रमिक

बनाम

निदेशक, केन्द्रीय पशु प्रजनन फार्म, सूरतगढ़

—अप्रार्थी/नियोजक

रेफरेन्स अन्तर्गत धारा 10(1)(घ), औद्योगिक अधिनियम, 1947, न्यायाधीश —श्री तेगपाल सिहाग, आर०एच०जे०एस० उपस्थिति:—

1. श्री भारत भूषण आर्य, श्रमिक प्रतिनिधि
2. श्री उत्तमचन्द गुप्ता, नियोजक प्रतिनिधि

अधिनिर्णय

कैम्प-सूरतगढ़, दि० 12 जून, 1997

श्रम मंत्रालय, भारत सरकार ने "औद्योगिक विवाद अधिनियम, 1947" जिसे अब के पश्चात् श्रम अधिनियम कहा गया है, की धारा 10 की उपधारा (1) के खण्ड (घ) के अधीन जारी अधिसूचना क्रमांक एल/42012/

100/93/आई०आर० (डी०यू०) दिनांक 5-11-94 द्वारा प्रेषित इस रेफरेन्स के अन्तर्गत निम्न विवाद अधिनिर्णयार्थ इस अधिकरण को पठाया था:—

"क्या निदेशक केन्द्रीय पशु प्रजनन फार्म, सूरतगढ़ द्वारा श्री सुरेश कुमार पुत्र श्री सुवेदार को हटाने का कृत्य न्यायोचित है? यदि नहीं, तो कामगार किस मदद के लिये हकदार है?"

2. प्रार्थी सुरेश कुमार जिसे अब के पश्चात् सिर्फ "श्रमिक" कहा गया है कि की ओर से प्रस्तुत क्लेम विवरण के अनुसार उसकी नियुक्ति अप्रार्थी के अन्तर्गत 3-9-79 को मशीन मैन के पद पर हुई थी, 8 वर्ष की सेवा अवधि पूरी कर चुका तथा प्रत्येक वर्ष में 240 दिन से अधिक कार्य कर चुका है और वह "औद्योगिक कामगार है जिसे 7-11-87 को अप्रार्थी ने जुवानो आदेश से सेवा भुक्त कर दिया और उसे काम पर नहीं लिया। श्रमिक ने अपनी सेवा मुक्ति के अधिनियम की धारा 25-एफ, जी व एच के आजापक प्रावधानों के उल्लंघन में बताते हुए इस सेवाभुक्ति जो छंटनी है, को निरस्त कर सेवेतन देय सभी लाभों सहित बहाल किये जाने की प्रार्थना की गई है।

3. अप्रार्थी नियोजक द्वारा प्रस्तुत जवाब में श्रमिक के क्लेम को मुख्य रूप से अस्वीकार करते हुए बताया कि अप्रार्थी संस्थान "उद्योग" की परिभाषा में नहीं आता और इस अधिनियम के प्रावधान लागू नहीं होते, श्रमिक को निश्चित अवधि व निश्चित कार्य के लिये दैनिक वेतन पर लगाना बताते हुए श्रमिक के क्लेम को अस्वीकार किये जाने की प्रार्थना की गई है।

4. साक्ष्य में श्रमिक ने अपना शपथपत्र पेश किया जिससे नियोजक द्वारा जिरह की गई। प्रकरण साक्ष्य नियोजक के लिये नियत चल रहा था और जब आज यह प्रकरण कैम्प सूरतगढ़ पर सुनवाई के लिये हमारे समक्ष प्रस्तुत हुआ तो पक्षकारों की ओर से उपस्थित विद्वान प्रतिनिधियों ने प्रकट किया कि श्रमिक अपने सेवा मुक्ति के इस विवाद को आगे चलाने का इच्छुक नहीं है क्योंकि उनके बीच समझौता हो गया है अतः इस प्रसंग के अन्तर्गत "कोई विवाद नहीं" का पंचाट पारित किया जावे।

5. पक्षकारों की प्रार्थना अनुसार केन्द्रीय सरकार द्वारा प्रेषित इस प्रसंग के अन्तर्गत पक्षकारों के मध्य "कोई विवाद नहीं" का पंचाट पारित किया जाता है जो प्रकाशमार्थ अधिनियम की धारा 17(1) के अन्तर्गत केन्द्रीय सरकार को पठाया जावे।

आज दिनांक 12-6-97 को कैम्प सूरतगढ़ पर से इसकास लिखाई व सुनाई जाकर हस्ताक्षरित की गई।

तेगपाल सिहाग, न्यायाधीश

नई दिल्ली, 10 जुलाई, 1997

कां०अ० 1906 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा II के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी., नई दिल्ली के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रवाहित करती है, जो केन्द्रीय सरकार को 10-7-97 को प्राप्त हुआ था।

[सं० एल-42011/87/95-आई०आर० (डी०यू०)]

के० वी० बी० उन्नी, डेस्क अधिकारी

New Delhi, the 10th July, 1997.

S.O. 1906.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of CPWD, New Delhi, and their workman, which was received by the Central Government on the 10-7-1997.

[No. L-42011/87/95-IR (DU)]

K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI.
I. D. NO. 124/97.

In the matter of dispute :

BETWEEN

Shri Trilok Chand, Wireman through The General Secretary, CPWD, Mazdoor Union, E. 26 (Old.), Raja Bazar, Baba Kharak Singh Marg, New Delhi-110001.

Versus

The Executive Engineer, Electrical Division XIV, Central Public Works Department, Pragati Maidan, New Delhi-110001.

APPEARANCES :

None—for the workman.

Shri Baljit Singh for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42011/87/95-I.R. (DU), dated 13-1-1997 has referred the following industrial dispute to this Tribunal for adjudication

"Whether the action of the management of CPWD through the Executive Engineer, Electrical Division, No. XIV, CPWD, Pragati Maidan in not regularising the services of Shri Trilok Chand Wireman w.e.f. 1-1-1986 is legal and justified? If not, to what relief the workman is entitled to?"

2 The workman had earlier appeared through his representative but did not file the statement of claim. He was given last opportunity to file the statement of claim but he or his representative did not appear on 29-4-1997 the date fixed for filing the statement of claim. Case was called many times but nobody turned up. No dispute award is passed in this case leaving the parties to bear their own costs.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Government of necessary action at their end.

Dated : 19th June, 1997.

GANPATI SHARMA, Presiding Officer.

नई दिल्ली, 10 जुलाई 1997

कां०अ० 1907 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा II के अनुसरण में केन्द्रीय सरकार डिप्टी जनरल इंजीनियर टेलीकॉम, नई दिल्ली के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रवाहित करती है, जो केन्द्रीय सरकार को 10-7-97 को प्राप्त हुआ था।

[सं० एल 40012/48/91-आई०आर० (डी०यू०)]

के० वी० बी० उन्नी, डेस्क अधिकारी

New Delhi, the 10th July, 1997

S.O. 1907.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Divl. Engineer Telecom (R.E.), New Delhi and their workman, which was received by the Central Government on the 10-7-97.

[No. L-40012/48/91-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPAT SHARMA : PRESIDING OFFICER : CENTRAL GOVT. INDUSTRIAL TRIBUNAL : NEW DELHI

I.D. No. 125/91

In the matter of dispute between :

Shri Netrapal Singh through Shri Surender Singh. 2/326, Nemner, Agra-282001.

Versus

Assistant Engineer, Telecom
Railway Electrification,
1/13, Vibhay Nagar,
Agra-282001.

APPEARANCES:

Shri Surinder Sharma—for the workman.

Shri M. K. Sharma, Shri Anil Seghal—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/48/91-I.R.(D.U.) dated 27-9-91 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the DET, Railway Electrification, New Delhi and Asstt. Engineer Telecom, Railway Electrification, Agra are justified in terminating the services of Shri Netrapal Singh w.e.f. 1-8-89 and also not assigning proper seniority? If not, what relief the workman concerned is entitled to?”

2. The Management filed an application for dismissing the reference on the ground that the management was not an ‘Industry’. In this regard management representative referred to 1996 LLJ 483.

3. In the above judgment it was held as follows:

“It would thus be seen that the method of recruitment, the conditions of service, the scale of pay and the Conduct Rules regulating the service conditions of ED Agents are governed by the statutory regulation. It is now settled law of this Court that these employees are civil servants regulated by these Conduct Rules. Therefore, by necessary implication, they do not belong to the category of workmen attracting the provisions of the Act.”

4. The representative for the workman in view of the above indement of the Hon’ble Supreme Court made statement withdrawing the present reference with permission to file the case with the appropriate forum/court.

5. In view of the judgement of the Hon’ble Supreme Court referred above and the statement of the representative for the workman the reference as such is not maintainable as the management is not an ‘Industry’. The reference is allowed to be withdrawn with permission to the workman to approach the appropriate forum/court available to him according to law. Parties are left to bear their own costs.

Dated : 9th June 1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 10 जून, 1997

क्र.अ.० 1908 :—औद्योगिक विवाद अधिनियम, 1947 का 14 के द्वारा 17 के अन्तर्गत में केन्द्रीय सरकार अधिस्टेड एजेंट्स (आर.ई.), टेलीकॉम प्रोजेक्ट नई दिल्ली के प्रबन्धन के संबंध में औद्योगिक विवाद और उनके कार्य-कारों के बीच, अन्तर्गत में निर्णित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, नई दिल्ली के प्रावधानों को प्राप्त करती है, जो केन्द्रीय सरकार को 10-7-97 को प्राप्त हुआ था।

[क्र.अ.० 1908/165/94-आई.आर.(डी.यू.)]

के.वी.बी. उन्नी डेस्क अधिकारी

New Delhi, the 10th July, 1997

S.O. 1908.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Assistant Engineer (RE) Telecom Project, New Delhi and their workman, which was received by the Central Government on 10-7-97.

[No. L-40012/165/94-IR(D.U.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 81/95

In the matter of dispute between:
Shri Shiv Rai Singh S/o Shri Sia Ram,
through Shri Surender Singh.
2/236, Namner, Agra.

Versus

Assistant Engineer (R.E.)
Project, 1/10, Samudaik Kendra,
Janak Puri, New Delhi.

APPEARANCES:

Shri Surinder Singh—for the workman.

Shri M. K. Sharma on behalf of Shri Anil Sehgal—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/165/94-I.R. (D.U.) dated 20-7-95/4-8-95 has referred the following industrial dispute to this Tribunal for adjudication:

“Whether the action of the management of Assistant Engineer (RE) Telecom Project to retrench the services of Shri Shiv Raj Singh, workman without proper seniority is justified? If not, what relief he is entitled to?”

2. The Management filed an application for dismissing the reference on the ground that the management representative was not an ‘Industry’. In this regard management referred to 1996 LLR 483.

3. In the above judgment it was held as follows:—

“It would thus be seen that the method of recruitment, the conditions of service, the scale of pay and the Conduct Rules regulating the service conditions of ED Agents are governed by the statutory regulation. It is now settled law of this court that these employees are civil servants regulated by these Conduct Rules. Therefore, by necessary implication, they do not belong to the category of workmen attracting the provisions of the Act.”

4. The representative for the workman in view of the above indement of the Hon’ble Supreme Court made statement withdrawing the present reference with permission to file the case with the appropriate forum/court.

5. In view of the judgement of the Hon’ble Supreme Court referred above and the statement of the representative for the workman the reference as such is not maintainable as the management is not an ‘Industry’. The reference is allowed to be withdrawn with permission to the workman to approach the appropriate forum/court available to him according to law. Parties are left to bear their own costs.

GANPATI SHARMA, Presiding Officer

GANPATI SHARMA Presiding Officer

नई दिल्ली, 10 जुलाई, 1997

कां० 1909:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिब्बीजल इंजीनियर टेलीकॉम (आर०ई०), नई दिल्ली के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-97 को प्राप्त हुआ था।

[मं० एल-40012/50/91 आई०आर० (डी०यू०)]
के० बी० बी० उण्णी, डेस्क अधिकारी

New Delhi, the 10th July, 1997

S.O. 1909.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Divisional Engineer Telecom (RE), New Delhi and their workman, which was received by the Central Government on the 10-7-1997.

[No. L-40012/50/91-IR (DU)]
K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI.

I. D. No. 126/91

In the matter of dispute BETWEEN :

Shri Beere Singh through Surender Singh 2/326,
Namner, Agra (U.P.).

Versus

Assistant Engineer, Telecom,
Railway Electrification,
1/13, Vibhav Nagar,
Agra-282 001.

APPEARANCES :

Shri Surender Singh for the workman.
Shri M. K. Sharma for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/50/91-IR (DU), dated 27-9-1991 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the DET/Railway Electrification, New Delhi and Asstt. Engineer Telecom/Railway Electrification, Agra are justified in terminating the services of Shri Beere Singh

w.e.f. 21-9-1988 and also not assigning proper seniority? If not, what relief the workman is entitled to?"

2. The Management filed an application for dismissing the reference on the ground that the management was not an 'Industry'. In this regard management representative referred to 1996 LLR 483.

3. In the above judgment it was held as follows :—

"It would thus be seen that the method of recruitment, the conditions of service, the scale of pay and the Conduct Rules regulating the service conditions of ED Agents are governed by the statutory regulation. It is now settled law of this court that these employers are civil servants regulated by these Conduct Rules. Therefore, by necessary implication, they do not belong to the category of workmen attracting the provisions of the Act."

4. The representative for the workman in view of the above judgment of the Hon'ble Supreme Court made statement withdrawing the present reference with permission to file the case with the appropriate forum/court.

5. In view of the judgment of the Hon'ble Supreme Court referred above and the statement of the representative for the workman the reference as such is not maintainable as the management is not an 'Industry'. The reference is allowed to be withdrawn with permission to the workman to approach the appropriate forum/court available to him according to law. Parties are left to bear their own costs.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end.

Dated : 10th June, 1997

GANPATI SHARMA, Presiding Officer.

नई दिल्ली, 10 जुलाई, 1997

कां० 1910:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डिब्बीजल इंजीनियर टेलीकॉम (आर०ई०), नई दिल्ली के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-7-97 को प्राप्त हुआ था।

[मं० एल० 40012/51/91 आई०आर० (डी०यू०)]
के० बी० बी० उण्णी, डेस्क अधिकारी

New Delhi, the 10th July, 1997.

S.O. 1910.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial

dispute between the employers in relation to the management of Divisional Engineer Telecom (RE) New Delhi and their workman, which was received by the Central Government on the 10-7-1997.

[No. L-40012/51/91-IR (DU)]
K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL, NEW DELHI.

I. D. No. 123/91

In the matter of dispute BETWEEN :

Shri Kishan Singh through Shri Surender Singh,
2/326, Namner, Agra (U.P.)-282 001.

Versus

Assistant Engineer, Telecom/Railway Electrifi-
cation, 1/13, Vibhav Nagar, Agra-280 001

APPEARANCES :

Shri Surinder Singh for the workman.

Shri M. K. Sharma on behalf of Shri Anil
Sehgal for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40012/51/91-IR. (D.U.), dated 26-9-1991 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the DET, Railway Electrification, New Delhi and Asstt. Engineer, Telecom, Rail-
way Electrification, Agra are justified in terminating the services of Shri Kishan Singh w.e.f. 1-8-1989 and also not assigning proper seniority? If not, what relief the workman concerned is entitled to?”

2. The Management filed an application for dismissing the reference on the ground that the management was not an ‘Industry’. In this regard management representative referred to 1996 LLR 483.

3. In the above judgement it was held as follows:—

“It would thus be seen that the method of recruitment, the conditions of service, the scale of pay and the Conduct Rules regulating the service conditions of ED Agents are governed by the statutory regulation. It is now settled law of this Court that these employees are civil servants regulated by these Conduct Rules. Therefore, by necessary implication, they do not belong to the category of workmen attracting the provisions of the Act.”

4. The representative for the workman in view of the above judgment of the Hon’ble Supreme 1818 GI/97—11

Court made statement withdrawing the present reference with permission to file the case with the appropriate forum/court.

5. In view of the judgment of the Hon’ble Supreme Court referred above and the statement of the representative for the workman the reference as such is not maintainable as the management is not an ‘Industry’. The reference is allowed to be withdrawn with permission to the workman to approach the appropriate forum/court available to him according to Law. Parties are left to bear their own costs.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end.

Dated : 12th June, 1997.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 8 जुलाई, 1997

का.प्र.० 1911 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केन्द्र बैंक के प्रबन्धन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रतिक्रिया नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-07-97 को प्राप्त हुआ था।

[सं.प्र.०-12012/76/85-डी०आई०वी०ए०/अ.ई०अ.र(बी०II)]
संलग्न, ईरक अधिकारी

New Delhi, the 8th July, 1997

S.O. 1911.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workmen, which was received by the Central Government on 07-07-97.

[No. L-12012/76/85-DIVA/IR(B-ID)]
SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING
OFFICER : CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL : NEW DELHI

I. D. No. 66/86

In the matter of dispute

BETWEEN

Shri P. P. Yadav Peon through
The General Secretary,
Lakshmi Commercial Bank Employees Association,
E-113, Sarojini Nagar, New Delhi-110023.

Versus

The Divisional Manager,
Canara Bank,
Marshal House,
Connaught Place,
Nek Delhi.

APPEARANCES :

Shri T. C. Gupta for the Workman.

Shri N. C. Sikri for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. 1-12012/10/85-D./IV(A) dated 20-8-86 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of the Lakshmi Commercial Bank Ltd. (now Canara Bank) in not absorbing in bank's service Shri P. P. Yadav, Peon from 10-7-82 (afternoon) is justified? If not, to what relief is the workman concerned entitled?"

2. The workman in his statement of claim has stated that he was initially appointed as a temporary peon at Rajouri Garden, New Delhi branch of the erstwhile Lakshmi Commercial Bank Limited on 16-11-81 and worked there for 5 days till 31-11-81 when his services were terminated without any order of termination. He was again appointed as temporary peon at the Head Office of the erstwhile Laxmi Commercial Bank Limited w.e.f. 26-11-81 and his services were again terminated on 29-12-81. No letter of appointment was given to the workman regarding his two employments dated 16-11-81 and 20-11-81.

3. The Head Office of the bank appointed the workman at Sadar Bazar Branch, Delhi against a permanent vacancy of one Shri Ram Prakash, Peon who was promoted as Cashier in clerical cadre. He joined this duty w.e.f. 2-1-82 and continued to work there for more than six months, i.e. upto 10-7-82. He was refused any further employment without giving him order of termination or prior notice. He submitted several representations to the management regarding this illegal termination but to no effect.

4. The Management of the Laxmi Commercial Bank Employees Association vide its letter dated 1-5-84 took up the case of the workman but the management did not agree and the said Association thus raised an industrial dispute before the Assistant Labour Commissioner Delhi. The reconciliation proceedings ended in failure leading to the present reference. During the course of proceeding before the Assistant Labour Commissioner several persons junior to the workman were taken into permanent employment by the said bank. The bank had agreed to absorb all those employees who had worked for the bank for the period of 120 days vide its circular No. Estt/DN-27/80 dated 1-5-80. The workman had put in 190 days continuous service and has also worked for 39 days as temporary hand and as such had completed 229 days service in the bank. The action of the management was illegal and unjustified. The said Laxmi Commercial Bank had later on amalgamated with the Canara Bank now the respondent bank by notification of the Government of India.

5. The Management Canara Bank in its written statement alleged that the workman was appointed purely on temporary basis in leave arrangement with the erstwhile Laxmi Commercial Bank. Initially he was appointed for a period of 15 days and was relieved after the expiry of the said period by paying all his dues in full and final settlement. The workman worked between 2-1-82 to 10-7-82 in all for 190 days and accepted his dues without any protest. The Management of the Laxmi Commercial Bank had entered into a settlement with its Federation regarding recruitment of clerical and subordinate staff which was duly notified by the State Bank of India as per its circular dated 1-4-80. Laxmi Commercial Bank was placed under moratorium w.e.f. 27-1-85 under section 45 of the Banking Regulation Act. Thereafter Laxmi Commercial Bank was amalgamated with the Canara Bank under the scheme of amalgamation formulated by the Reserve Bank of India in consultation with the Central Government which was published vide notification dated 22-8-85 in the Gazette of India. On the appointed date of amalgamation i.e. 24-8-85, Claimant was not in the employment of the erstwhile Laxmi Commercial Bank and as per the scheme of amalgamation his services could not be transferred to the respondent bank. There was as such no obligation on the part of the respondent bank

to take the claimant in its employment. In the year 1984-85 the claimant agitated the matter before the A.L.C.(C) by filing the alleged claim through the erstwhile Laxmi Commercial Bank Employees Association. The reference made by the appropriate government was without application of mind as on the date of amalgamation the workman was not in the employment of the erstwhile Laxmi Commercial Bank besides taking of other legal objections. It was alleged that the claim was not maintainable. There was no question of any absorption of the workman in the corresponding bank, the status of the workman was of a casual labour and had not completed 240 days, there was no violation of section 25-H of the I.D. Act and the reference deserves to be dismissed.

6. The Management examined Shri Rattan Lal Sharma MWI while the workman appeared himself as WWI and G. S. Gill as WW2.

7. I have heard the representatives for the parties and have gone through the record.

8. The representative for the management has urged that the action of the management was fully justified and the workman was not in the employment of the erstwhile Laxmi Commercial Bank which according to the notification dated 23-8-85 amalgamation took place on 24-8-85 and the management was not liable to take in their employment persons who were not in the employment of the erstwhile Laxmi Commercial Bank on the date of amalgamation. The settlement dated March, 1980 which was one time exercise as per evidence of the erstwhile Laxmi Commercial Bank Limited the claimant was not employee of the said bank even at that time. The claimant was purely temporary daily rated person and had in all worked from 16-11-81 to July, 82 he had worked for 226 days. As per contention of the workman/claimant himself he had worked for less than 240 days and he agitated the matter after the expiry of 4 years. The appointed date of the amalgamation scheme was 24th of April, 1985 and the workman was not in the employment of the management of its erstwhile Laxmi Commercial Bank on the said date. The workman could have no legal right for absorption much less than the regularisation as prayed for in the statement of claim.

9. The representative for the claimant alleged that the termination did not constitute retrenchment according to the management but under the amended definition of the term it does amount to termination. The workman representative has further urged that even temporary hand, continued for 120 days were absorbed in permanent service without qualifying any recruitment test and without being sponsored by the employment exchange. Even temporary persons junior to the workman were absorbed by the management (there was violation of section 25-H of the I.D. Act and the workman deserves to be regularised and reinstated from the date of his termination with full back wages).

10. After having gone through the points urged before me by the representatives of the parties, I am of the opinion that there is no doubt about the workman being a daily rated person. The employment of a daily rated person comes to an end at the end of each day. The Hon'ble Supreme Court in its order dated 8-9-86 ordered that only those persons of the erstwhile Laxmi Commercial Bank Limited have been absorbed in the Canara Bank will be considered for regularisation provided they have completed over 240 days. The Hon'ble Supreme Court in a subsequent order dated 2-5-87 ordered while clarifying the order dated 8-9-86, that by the order dated 8-9-86 when reference was made to the workman being retained in service, what was intended was that they would be retained in the panel of daily wagers. The Canara Bank will consider such casual workmen for daily wagers for absorption as and when vacancy arises in accordance with the practice followed by them. The Hon'ble Supreme Court order did given protection to those who were in regular service and may be casual workers for being absorbed in the new management i.e. Canara Bank. Again the same condition was necessary that the employee should be in the employment of the erstwhile Laxmi Commercial Bank Limited on the appointed date i.e. 24-8-85. It is admittedly not the case of the claimant. There has been no satisfactory explanation for this delayed reference which has been made after a period of

4 years. The claimant in my opinion has no legal right nor does he get any right from the scheme of amalgamation and even the judgment of the Hon'ble Supreme Court does not help the workman at any stage for being absorbed on regular basis in the employment of the Canara Bank.

11. Keeping in view my above discussions I am of the opinion that there is no case for the workman and no ground exist for his regularisation in the Canara Bank. The action of the management was fully justified. Parties are, however, left to bear their own costs.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Govt. for necessary action at their end.

Date : 26th May, 1997

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 8 जुलाई, 1997

का.अ. 1912 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबन्धकों के संबंध दिव्योक्तों और उनके कर्मचारियों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार को 07-07-97 को प्राप्त हुआ था।

[नं. एल-12012/103/88-डी.-IIए/आई.आर. (बी-II)]
संलग्न, डेस्क अधिकारी

New Delhi, the 8th July, 1997

S.O. 1912.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 7-7-1997.

[No. L-12012/103/88-D.II-A/IR (B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 112/88

In the matter of dispute :

BETWEEN

Shri Vinod Kumar Golcha
C/c Shri P. R. Mehta
General Secretary

Punjab National Bank Staff Union (Regd.)
47, Mehru Nagar (Model Town)
Ludhiana (Punjab).

Versus

The Regional Manager,
Punjab National Bank
Regional Office
Ferozepur Region
Railway Road
Ferozepur (Punjab).

APPEARANCES :

None.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/103/88-D.II (A) dated 24-10-1988 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Punjab National Bank in denying the post of Head Cashier, at-C, to Shri Vinod Kumar Golcha is justified? If not, to what relief is the workman entitled?"

2. Punjab National Bank Abohar has the post of Head Cashier Category 'C' and Shri Nand Lal Nagpal was working in that post upto 30-6-86 on which date he retired. Shri Subhash Sharma an employee of the Management was working at the Circular Road Branch Abohar as a Clerk-cum-Cashier Incharge Category 'A' on 30-6-87. According to the terms of the Bank rules and circular No. 672 dated 12-10-82 a selection of the Head Cashier Category 'C' is to be made on the basis of seniority of Head Cashiers and Clerk-cum-Cashier Incharge of Category 'A' on 30-6-87. According to the terms of the Bank rules and circular No. 672 dated 12-10-82 with town as a unit in terms of para 13(b) of the above circular. The Management of Punjab National Bank signed an agreement before the Conciliation Officer of the Ministry of Labour, Government of India, New Delhi on 30-9-82 according to which as per para 13(b) of the said agreement, the selection of Head Cashier Category 'C' shall be made on the basis of seniority of Head Cashiers and Clerks-cum-Cashier Incharge of Category 'A' with town as a Unit. The said agreement was in supersession of settlement No. 2/73 dated 16-6-73 as is evident from the terms of settlement. According to the term of agreement and the bank rules Subhash Sharma was only person eligible, entitled to be put as Head Cashier Category C from 1-7-87 after the retirement of Nand Lal but was not given this opportunity by the Management and they put Vinod Golcha as Head Clerk Category 'C'. Vinod Golcha was not Head Cashier or Clerk-cum-Cashier Incharge Category 'A' but he was put Head Cashier wrongly. Objection was taken up by Subhash Sharma to the posting of Vinod Golcha and the management served a notice of 21 days for recovery which was to expire on 16-11-87 on taking up the matter by another Union namely Punjab National Bank Staff Union on 14-11-87 pending conciliation proceedings in the above matter before whom all such facts were placed. The conciliation proceedings failed. The management after a lapse of number of months put Subhash Sharma as Head Clerk Category C on 20-8-87 according to the agreement and the rules which he was entitled from 1-7-87 Vinod Golcha in no way was entitled for the said post. Subhash Sharma has not been granted the benefits w.e.f. 1-7-87 the date from which he was so entitled. It was prayed that he be considered placed as Head Cashier Category 'C' w.e.f. 1-7-87 and he be granted all arrears and other consequential benefits as if he had performed the duties as Head Cashier Category 'C' from that date.

3. Written submissions were filed by Vinod Golcha the aggrieved Official as well as by the Management. The Management in its written statement supported the case of Shri S. C. Sharma who was made Head Cashier in place of Mr. Golcha. Later on the management of the Punjab National Bank in its written statement has alleged that due to mis-interpretation of the terms of settlement this mistake had occurred and was corrected, by the management subsequently and S. C. Sharma was given the charge of Head Cashier Category 'C' in place of Mr. Vinod Golcha. Management on the other hand in its written statement has alleged that he was rightly appointed as the Head Cashier Category 'C' from the date the post fell vacant due to the retirement of Mr. Nand Lal. He further alleged that the order appointing him as Head Cashier Category 'C' was correct and the subsequent order of appointment of Shri S. C. Sharma in his place was incorrect. He further alleged that S. C. Sharma was not eligible for appointment as Head Cashier Category 'C' on the date the post fell vacant as within a period of three years from the date of amalgamation of the erstwhile Hindustan Commercial Bank with the Punjab National Bank those who came from Hindustan Commercial Bank could not be considered for a period of three years. He has further alleged that he has wrongly discharged from the post of the Head Cashier Category 'C'.

4. I have heard representatives for the parties and have gone through the written arguments submitted by their representatives. No oral evidence was led by the parties in this case.

5. After thoroughly having been gone through the points urged before me and reiterated in the written arguments, clearly shows that the management Punjab National Bank has supported the case of Shri S. C. Sharma who according to them was eligible on the day the vacancy fell vacant due to the retirement of Shri Nagpal as Head Cashier Category 'C'. The point which Shri Golcha has urged that the Officers of the erstwhile Hindustan Commercial Bank were not eligible for a period of three years from the date of the sanction of the Scheme does not hold good. Clause 12 of the Scheme of amalgamation duly notified by the Government of India on 18-12-86 requires a period of three years as maximum and not the minimum for eligibility to the terms and conditions of the transferee bank. The action of the management in giving charge of the Head Cashier Category 'C' to Shri Vinodh Kumar Golcha was a mistake and when Shri S. C. Sharma was fulfilling the qualifications and being the only Head Cashier of category 'A' as required for promotion to category 'C'. He should have been designated as Head Cashier Category 'C' at that time. This action of the management of the Punjab National Bank the correctness of which they have realised now required that Shri S. C. Sharma be treated as having been given charge of Head Cashier Category 'C' from the date he became eligible for the same. He shall be paid the arrears which he would have been paid if he had been appointed on the correct date he was eligible. Moreover, Vinod Kumar Golcha who has been posted by the Management wrongly is also eligible to retain the allowance he has been paid while working as Head Cashier Category 'C' from the date he took over upto the date of his relinquishment. Since he has worked on the post he was eligible to draw his allowance and Shri S. C. Sharma who has not been given his dues by the management shall be paid the due allowance from the date it became due upto the date he was re-appointed in that post of Head Cashier Category 'C'. This has happened due to the wrong interpretation of the scheme of the amalgamation by the management bank. The payments to Shri S. C. Sharma shall be made within three months from today. Parties are, however, left to bear their own costs.

Dated : 12th May, 1997

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 8 जुलाई, 1997

का.प्र. 1913 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबन्धन के संबंध में जहाँ और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-07-97 को प्राप्त हुआ था।

[सं. एल-12012/631/88-डी-II-ए/आईआर(बी-II)]

सनतान, ईस्क अधिकारी

New Delhi, the 8th July, 1997

S.O. 1913.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 07-07-97.

[No. L-12012/631/88-DIIA/IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 120/91

In the matter of dispute :

BETWEEN

Shri J. K. Jain Gali Begalian, Kewalganj, Rahtak (Haryana)

Versus

The Regional Manager,
Central Bank of India,
Regional Office, Ambala Cantt.

APPEARANCES :

Shri D. K. Gupta, Chief Manager (PRS) for Management.

Shri Tara Chand Gupta for the Workman.

AWARD

The Central Government of India in the Ministry of Labour vide its Order No. L-12012/631/86-D II (A), dated 18-8-1987 read with Order No. L-12012/427/90-IR (B-II) dated 27-8-1991, has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the action of the Central Bank of India, Regional Office, Ambala Cantt. in dismissing Shri J. K. Jain, Head Cashier at their Ambala Cantt. Branch w.e.f. 14-10-82 is justified? If not, to what relief is the concerned workman entitled?"

2. The concerned workman, Shri J. K. Jain, was posted at Ambala Cantt. Branch of the Central Bank of India, as Head Cashier. He had been served with a chargesheet dated 25-8-81 as under :—

(i) That Mr. Jain applied for leave to avail L.F.C. from 16-4-79 to 20-4-79. He applied for LFC advance of Rs. 600, which was sanctioned to him on 9-4-79. Although, Mr. Jain was to proceed on L.F.C. from 16-4-79 and with that intention he was allowed L.F.C. advance on 9-4-79 with the advice to produce the receipts/reservation tickets before proceeding on L.F.C. He never proceeded on L.F.C., nor he produced the required receipts/reservation tickets. At the same time, he unauthorisedly kept the advance with him. It is further reported that he remained on leave from 1-5-79 to 16-5-79 on LFC informing the Branch that he is proceeding on LFC, but he did not produce any reservations/receipts for outward journey to Bombay. After he resumed duties, Mr. Jain was repeatedly advised by

the Branch Manager to submit L.F.C. bills, but he never paid any head, so much so, that he did not even care to reply the Branch Memo dated 22-6-79, wherein he was impressed upon to submit his L.F.C. bills. All these circumstances obviously indicate that Mr. Jain never proceeded on L.F.C. during 1-5-79 to 16-5-79, despite available L.F.C. advances. The advance thus, availed was in fact misutilised by Mr. Jain for his personal use, besides misrepresenting to the Branch that he was proceeding on L.F.C.

- (ii) Again on 19-7-80, Mr. Jain applied for leave from 18-8-80 to 1-9-80 to avail L.F.C. An L.F.C. advance of Rs. 2000 was sanctioned to him on 16-8-80 for undertaking onward journey. Although Mr. Jain resumed duties on 3-9-80, he did not submit any L.F.C. bills, despite a Memo dated 27-9-80 served upon him by the Branch Office, Ambala Cantt, advising him to submit L.F.C. bills. He never tendered a reply to the said Memo and he was again reminded vide Memo dated 18-11-80. His explanation, received after a period of about 3 months that he fell sick alongwith his family members and could not proceed on L.F.C. is not at all satisfactory. This instance and the earlier instance quoted above, are clearly indicative of his intentions, never to proceed on L.F.C. is not at all satisfactory. This instance and the earlier instance quoted above, are clearly indicative of his intentions never to proceed on L.F.C. but to misutilise the advances availed from the Bank in guise of Leave Fair Concession, L.F.C. advance is allowed for a specific purpose and Mr. Jain had no authority to divert the funds for his personal consumption. It was obligatory on his part to have immediately refunded the advances to the Bank, if he had not proceeded on L.F.C. which he failed to do. Moreover, his silence for 3 months and repetition of the Act for consecutive two occasions, is nothing, but a deliberate attempt on his part to misuse a facility allowed by the Bank."

2. The case of the concerned workman, is that the ground for his dismissal from service was two L.F.C. advances of Rs. 600 and Rs. 2,000. The first L.F.C. advance of Rs. 600 was recovered from him alongwith commercial interest @ 18%. The second L.F.C. advance of Rs. 2,000 also was recovered from him alongwith commercial interest @ Rs. 18%. It is further stated by him that initially the Bank had no intention of taking any disciplinary action against him, which is evidence from Central Bank of India, Ambala Cantt. letter No. B.S.TS/AKA/442/80/2658, dated 27-9-1980. It is further stated by him that later in terms of Memo No. B.S.TT/AKA/603/80/3101, dated 18-11-80, the Bank asked him to submit L.F.C. Bill, telling him that interest at the commercial rate would be charged in case he failed to submit his L.F.C. Bills. He has further stated that the disciplinary action taken against him, was not bonafide, but utterly mala fide and wrongful, on the ground that the Disciplinary Authority had decided to propose the punishment of stoppage of one increment for a period of six months, which was later on changed in punishment of his dismissal from service without notice on the intervention of the higher authorities of Central Office of the Bank. All these allegations are denied by the management.

3. The case of the management is that the two Leave Fair Concession advances of Rs. 600/- and Rs. 2000/-, given to the workman, were in fact misappropriated by him, as established on record, during the Domestic enquiry conducted against him. This misappropriation was an act of gross misconduct, warranting his dismissal from service. It is further averred by the management that during the Domestic enquiry, full opportunity was given to the workman to disprove the charges of misappropriation levelled against him. It is further stated that the bonafides of enquiry proceedings were never challenged by the workman at any stage. The findings recorded on the basis of evidence on record, have not been rebutted. Mere recovery of advances, given to the workman on account of two leave fair concessions, which was misappropriated, would not mitigate the offence of the workman. He has committed an act of gross misconduct and has rightly been punished with his dismissal from service.

4. The concerned workman has not challenged the domestic enquiry in as much as he did not quote any instance of violation of principles of natural justice in conducting domestic enquiry by the management in the matter of chargesheet issued to him. Hence, fairness of the domestic enquiry need not be gone into.

5. The management have filed 9 documents and have examined Shri D. K. Gupta, Chief Manager (Personnel) as MW1/1.

6. The concerned workman has filed in all 61 documents and has examined Shri R. P. Sharma WW1/1, Shri Babu Lal WW2 and himself as WW3.

7. I have heard the representatives of the management and the workman, and have gone through the evidence on record.

8. The authorised representative for the management has referred the case of State Bank of India Vs. Samrendra Kishore Endow, reported in 1994 SCC (L&S), Page 687. It has been argued that this Tribunal has no powers to consider the quantum of punishment. It appears that this ruling of the Hon'ble Supreme Court, has not been understood in proper perspective. In this case an officer of the Bank had been punished after holding departmental enquiry. In appeal to the Board, the punishment awarded to the officer, was maintained. Ultimately the Officer filed writ petition, which was allowed after contest, and the punishment was set aside. In appeal preferred by the State Bank of India, the Hon'ble Supreme Court, laid down that the High Court administrative Tribunal, has no power to interfere with the quantum of punishment if the enquiry is held to be proper. It is further laid down that if the punishment is found to be harsh, the proper course would be to remand the matter to the Appellate Authority. I do not think this authority will have any application to the present case. This Tribunal has been clothed with jurisdiction under Section 11-A of the I.D. Act 1947 to look into the proportionality and/or legality of punishment, while High Court or Administrative Tribunal, have not been conferred with such powers. Therefore, I am not inclined to accept this line of argument advanced by the management.

9. In the present case, I am mainly concerned to examine the punishment awarded to the concerned workman.

10. Recovery of Rs. 2600/- together with commercial interest thereon @ 18% from the concerned workman has not been disputed by the management.

11. In the present case the domestic enquiry had been conducted by the Disciplinary Authority himself.

12. Exhibit W-1 is the photostat copy of the initial findings of the Disciplinary Authority, who had himself conducted the domestic enquiry, proposing punishment of stoppage of increment for a period of six months under para 19.3(c) of the Bipartite Settlement. This is undated. Exhibit W-2 is the photostat copy of the subsequent findings dated 28-7-82 on the same charge, proposing punishment of dismissal of the concerned workman from service without notice under clause 19.6(a) of the Bipartite Settlement dated 19-10-1966. Exhibit M-2 is the photostat copy of the order of the punishment of dismissal from service finally awarded to the concerned workman by the Disciplinary Authority. This is dated 13-10-1982.

13. In his deposition MW1, who was both the Disciplinary Authority as well as Enquiry Officer, has deposed that exhibit W-1 bears his signatures, when WW1 was confronted with the question by this court to offer explanation about two different findings proposing two different punishment for the same charge, he disclosed that the punishment under the second set of findings (Exhibit W.1) was proposed which was harsher than the earlier one, (Exhibit W-1), at the instance of the higher authorities.

14. The disciplinary action procedure (Ext. W-1) prevalent in the Central Bank of India, is on record, wherein para 8 is relevant on the point at issue involved in the present case. The said provision does not provide that Disciplinary Authority will seek guidance from the higher authorities while deciding the nature and quantum of punishment. Even otherwise also, such provision, if there would have been any, cannot be sustained under law. Because Disciplinary Authority, while deciding nature of quantum of

punishment, has to act independently without being dictated or promoted by any one whosoever, he may irrespective of his rank or status.

15. It is a case wherein admittedly the punishment has been awarded to the concerned workman by the Disciplinary Authority at the instance of the higher authorities, which is highly illegal and is an usurpation of the absolute domain of the Disciplinary Authority, in awarding punishment, as a result of which the order of punishment dated 13-10-82 cannot be sustained and the same is quashed.

16. Now, let me examine, as to whether the material on record, warrants any punishment in the present case in which money advanced for LFC had been recovered and/or refunded with commercial interest thereon at the rate of 18%. The only fault of the concerned workman, was that he failed to timely inform the Bank about his inability to proceed on L.F.C. due to medical reasons, and to timely refund the money received as LFC advance, by him. It is only because of this reason of late refund of advance money that the interest at the commercial rate had been charged from him otherwise no interest could have been charged on such advances. I think only stoppage of one increment with cumulative effect will meet the ends of justice. The workman is ordered to be reinstated with full back wages with interest @ of 12% per annum. Parties shall bear their own costs.

Dated : 15th May 1997

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 8 जुलाई, 1997

कां०अ० 1914 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण -2 मुंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-07-97 को प्राप्त हुआ था।

[T.O. 12012/111/94-आई आर(बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 8th July, 1997

S.O. 1914.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, 2, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 7-7-97.

[No. L-12012/111/94-IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT :

Shri S. B. Pansc, Presiding Officer

Reference No. CGIT-2/37 of 1994

Employers in relation to the Management of Syndicate Bank.

AND

Their Workmen

APPEARANCE :

For the Employer.—Mr. D. B. Shetty, Representative.

For the Workmen.—Mr. R. N. Sen, Advocate.

Mumbai, dated 19th June, 1997

AWARD—PART-I

The Government of India, Ministry of Labour, by its Order No. L-12012/111/94, dated 14/29th July, 1994 had referred to the following Industrial Dispute for adjudication :

"Whether the action of the management of Syndicate Bank, Bombay in dismissing Shri G. P. Parse, Spl. Asst., from service w.e.f. 30-12-92 is justified ? If not, what relief is the concerned workman entitled to?"

2. The workman, Gunwant Purshottam Parse, filed a statement of claim at Exhibit-2. He was appointed in The Syndicate Bank, the employer in 1971. He was working as a Special Assistant at Law College, Square since 9-12-86. It is contended that on 12-2-92 he was suspended for alleged malpractice. Thereafter he was given a charge-sheet under clause-19(j) of the Bi-parite settlement of 1966 on 27-5-92.

3. The workman contended that when a charge-sheet was issued to him he was not provided with the documents or list of witnesses alongwith it. It is averred that in a domestic inquiry which was held against him the Principles of Natural Justice were not followed. It is contended that even though he requested for appointment of lawyer to represent his case it was not recorded in the inquiry proceeding nor he was allowed to be represented by an advocate. It is asserted that because of it he could not defend his case properly and the inquiry is vitiated. It is submitted that the copies of the documents were not given to him in advance nor he was given the opportunity to study them. It is submitted that he was not given an opportunity to cross-examine the witnesses in detail as no opportunity was given. It is averred that without calling of the scribe of the alleged documents the inquiry officer treated them to be proved and relied upon. It is submitted that without examining one H. N. Bhawad his report was relied upon. It is averred that he was not paid subsistence allowance as per the statement and under such circumstances the inquiry is vitiated. It is pleaded that the inquiry officer started the inquiry using undue pressure on the workman. The punishment which was awarded to the workman is disproportionate to the charge proved. It is submitted that under such circumstances the order of dismissal dated 30-12-92 be set aside and he may be reinstated in service in continuity alongwith back wages.

4. The management resisted the claim by the written statement Exhibit-3. It is averred that the domestic inquiry which was held against the workman was as per the Principles of Natural Justice and the findings of the inquiry officer are based on the evidence before him. It is submitted that the worker never represented that he wanted to be represented by an advocate. But this false plea is raised with an ulterior motive. It is averred that the copies of the documents were given to the worker. He gave and acknowledgment of the same and thereafter proceeded to cross-examine the witness on its basis. It is submitted that looking to the charge proved against the workman the punishment which is awarded is just and proper. Under such circumstances it is submitted that the worker is not entitled to any of the reliefs.

5. The issues are framed at Exhibit-8. Issues Nos. 1 and 1A are treated as preliminary issues. The issues and my findings thereon are as follows :—

Issues	Findings
1. Whether the domestic inquiry held against the worker was against the Principles of Natural Justice ?	Yes.
1A. Whether the findings of the inquiry officer are perverse ?	Yes.

REASONS

6. The workman Parse examined himself at Exhibit-6 and relied upon the documents on the record. As against that

Mr. D. B. Shetty (Exhibit-10) the inquiry officer examined himself for the management and relied upon the documents on the record.

7. Exhibit-3/B-2, is a charge-sheet issued to the worker dated 27-5-92. It is very detailed charge-sheet. Sum and substance of the charge-sheet is that when supervising the departments he misappropriated amounts pertaining to bills received from M/s. A. L. Arunkumar Bombay for Rs. 6192.70; M/s. Dharampal Premchand Ltd., Delhi for Rs. 2,128.74; M/s. Hans Rubber Industries (P) Ltd., Meerut City for Rs. 914 and M/s. Hakens Sports Industries, New Delhi for Rs. 1,398 and proceeds of a Credit IBA No. 224 for Rs. 4,000 of our Gandhibagh Branch, Nagpur and to cover up such acts resorted to falsification of records. Hence, he was charged with doing an act prejudicial to the interest of the Bank v. l.c clause 19.5(j) of Bi-partite Settlement 1966.

8. Parse gave his statement of defence dated 13-6-92 (Ex-3). The management found the explanation unsatisfactory and decided to hold a departmental inquiry against him. The inquiry officer by name D. B. Shetty was appointed. Shetty affirmed that he informed Parse the date of the inquiry and the procedure to be followed by his notice (Exhibit-5). Parse affirmed that even though he requested the inquiry officer that he should be allowed to be represented through an advocate he was not allowed to do so nor his request was recorded in the inquiry proceedings. The inquiry proceedings are at Exhibit-3/B-6. The inquiry officer had put a question to him whether he had brought or called the defence assistant in terms of the inquiry notice dated 27-5-92. He replied to it that "No" and he would defend his case himself. It can be further seen that in the written submissions which were filed by the worker there is not mention that the inquiry officer did not record his requests for appointment of the advocate to defend his case. On its basis it is tried to argue that the worker never represented to the inquiry officer to allow him to be defended by the bank. On the contrary it is submitted on behalf of the worker that this is not the case. The proceedings are not properly recorded. Therefore that remark is not there. I find substance in it.

9. D. B. Shetty (Exhibit-10) in his cross-examination admitted that he told the worker to contact the disciplinary authority for getting sanction for appointment of an advocate. This itself goes to show that the worker requested for an appointment of advocate to defend his case in the inquiry proceeding. There was no reason for that inquiry officer to make such a record in the inquiry proceeding. Nothing is shown to me that the inquiry officer was unable to grant that request or reject that request and thereafter the worker has to approach to the disciplinary authority for getting necessary sanction.

10. I have already referred to above that was the charge against him. It is a major charge. The punishment which is awarded to the worker is a major punishment. It is economical death of the worker. In writ petition No. 2404 of 1991 his Lordship Justice Desai had observed that the claim of engaging a lawyer before domestic Tribunal was never encouraged. It is further observed according to the judicial trend when the charges are serious and involve a criminal consequence it is held by that court in a decision reported in Antani Vs. Chairman, Bank of India, Bombay 1986 LIC 613, such a permission can be granted. It is further observed that if such a permission is not granted it seriously affects the domestic inquiry and has to be said to be vitiated. Here in this case for the reasons stated above I find that the Principles of Natural Justice were not followed, in not allowing the worker to be represented through advocate.

11. Alongwith the charge-sheet the worker was not given a list of witnesses and the documents on which the management wanted to rely. It is not in dispute that when the inquiry was for hearing on 19th August, 1992 the management produced 47 documents and its copies were given to the worker. He was asked to verify its correctness and thereafter the worker was required to cross-examine the witnesses. On that date the management examined two witnesses. It appears that one witness was thoroughly cross-examined and not the other one. It can be seen that the worker even though faced with a chargesheet on earlier occasion cannot be said to be ready for the cross-examination with such a volume of documents were produced in the inquiry proceed-

ings. Under such circumstances it has to be inferred that sufficient opportunity was not given to him to defend his case. It can be seen that on the very day inquiry was completed. No doubt the workman was given charge to file his written submission but that does not mean that he had opportunity to cross-examine the witness as per the requirement. On this ground also serious prejudice is caused to the worker to defend his case. It violated the Principles of Natural Justice.

12. So far as granting of allowance is concerned a vague allegation is made by the worker that he was not paid subsistence allowance as per the rules. I do not find merit in it unless it is supported by some documentary evidence.

13. So far as the charge-sheet which is given to the worker is concerned it is tried to allege that it is not proper. I do not find any merit in it. The charge-sheet is very detailed. It is clear in its term and it is given as per the provisions of the Bi-partite Settlement. There is no illegality in the same.

14. Shetty (Exhibit-10) affirmed that after analysing the evidence before him he submitted the detailed report and the findings on the charges levelled against Parse. The report is at Exhibit-3/8. He came to the conclusion that the charges are proved. It can be seen that the evidence which was lead before him cannot be said to be a proper evidence for the reasons which I have given above. Under such circumstances I find that the findings of the inquiry officer are perverse. In the result I pass the following order:

ORDER

The domestic inquiry which was held against the workman was against the Principles of Natural Justice.

The findings of the inquiry officer are perverse and not based on the proper evidence before him.

Dated: 19-6-97.

S. B. PANSE, Presiding Officer

नई दिल्ली, 8 जुलाई, 1997

कां०आ० 1915 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में केन्द्रीय सरकार केन्द्र बैंक के प्रबंधन के संबन्धित नियोजकों और उनके कर्मचारों के बीच, प्रबंधन में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-1 मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-07-97 को प्राप्त हुआ था।

[मं० एन-12012/120/96-आईआर(बी-II)]

सनतान, डेस्क अधिकारी

New Delhi, the 8th July, 1997

S.O. 1915.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workmen, which was received by the Central Government on 7-7-97.

[No. L-12012/120/96/IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

New Delhi, the 8th July, 1997

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice R. S. Verma, Presiding Officer
Reference No. CGIT-33 of 1997

PARTIES :

Employers in relation to the Management of
Canara Bank

AND

Their Workmen

APPEARANCES :

For the Management—Shri S. V. Kulkarni,
Officer

For the Workman—No appearance

STATE : Goa

Mumbai, dated the 25th day of June, 1997

AWARD

Perused the office report which shows that notices for today i.e. 25-6-97 were sent by registered post on 30th May, 1997 to both sides and they have not been received back. There is presumption of service.

Shri Kulkarni appears on behalf of the Bank. He states that copy of the statement of claim of the workman has not been received. The claim has not been filed in this Tribunal. The workman is not present. No authorised person on his behalf appeared.

In the aforesaid circumstances, the matter is adjourned sine die and may be treated as disposed off for statistical purposes.

As and when the workman files a claim and makes a request for restoration of the dispute for hearing, the matter may be taken up and restored to the original number under intimation to the management.

R. S. VERMA, Presiding Officer

नई दिल्ली, 8 जुलाई, 1997

का.प्र.सं. 1916:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबन्धन के संबंध में उनके कर्मचारियों के बीच, अन्वय में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम-1 मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-07-97 को प्राप्त हुआ था।

[सं. एल.-12012/146/96/आई.आर. (बी.-II)]

सनातन, डेस्क अधिकारी

S.O. 1916.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 7-7-97.

[No. L-12012/146/96-IR(B-II)]
SANATAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice R. S. Verma, Presiding Officer
Reference No. CGIT-42 of 1997

PARTIES :

Employers in relation to the Management of
Bank of Maharashtra

AND

Their Workmen

APPEARANCES :

For the Management—Shri Jaywant Phadke

For the Workmen—No Appearance

STATE : Maharashtra

Mumbai, dated the 26th day of June, 1997

AWARD

Shri Jaywant Phadke for the Management. None for the Union. Notice sent by registered post to the Union on the address given in the schedule of reference, have been returned unserved.

In the circumstances, it is not possible for the Tribunal to proceed with the matter. It may be stated that no claim has been filed by the union even though the schedule of reference was sent directly by the Ministry to the union. In the aforesaid circumstances, I adjourn the case sine die. The matter may be treated as disposed off for statistical purposes.

As and when the Union files a claim and supply copies thereof to the management, the matter may be restored to the original number and may be proceeded with. The matter is disposed off as above.

R. S. VERMA, Presiding Officer

नई दिल्ली, 8 जुलाई, 1997

कारण 1917 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार (केन्द्रीय बैंक ऑफ इंडिया) के प्रबन्धन के संबंध में नियो-जको के उनके कर्मचारियों के बीच, अनुवन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण मद्रास के पंचाट को प्रदान किया है, जो केन्द्रीय सरकार को 07-07-97 को प्राप्त हुआ था।

[नं. ए. 12012/401/94-आईआर (बी-II)]
सनातन, डेस्क अधिकारी

New Delhi, the 8th July, 1997

S.O. 1917.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 7-7-97.

[No. L-12012/401/94-IR (B-II)]
SANATAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU, MADRAS

Thursday, the 27th day of February, 1997

PRESENT :

Thiru S. Thangaraj, B.Sc., L.L.B., Industrial Tribunal

Industrial Dispute No. 18 of 1995

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Central Bank of India, Madras).

BETWEEN

The workmen represented by :
General Secretary,
Bank of India Employees Union,
P.B. 1579, 11, If Line Beach, Madras.

AND

Zonal Manager,
Central Bank of India,
Madras.

REFERENCE :

Order No. L-12012/401/94-IR(B.II), Ministry of Labour, dated 8-5-95, Govt. of India, New Delhi.

This dispute coming on for final hearing on this day, upon perusing the claim statement and all
1818 GI/97—12

other material papers on record and upon hearing of Tv. R. Arumugam, B. Haribabu and N. Krishnakumar, Advocates appearing for the petitioner and the Opposite Party being absent and set ex-parte, this Tribunal made the following :
service and backwage. No costs.

AWARD

This reference has been made for adjudication of the following issue :

“Whether the action of the management of Central Bank of India, Madras in dismissing Shri P. Velayutham, Head Cashier, from service w.e.f. 16-3-1993 is legal and justified ? If not, to what relief the said workman is entitled to ?”

WW1 recalled and examined, Exs. W-1 to W-11 marked. From the averments found in the claim statement, the evidence of WW1 and from Exs. W-1 to W-11 the claim of the petitioner is proved. Award passed for reinstatement, continuity of service and backwage. No costs.

Dated, this the 27th day of February, 1997

THIRU S. THANGARAJ, Presiding Officer

WITNESSES EXAMINED

For Workman/union :

W.W.1 : Thiru T. C. Vidyashankar

For Management : None

DOCUMENTS MARKED

For Petitioner/union :

Ex. W-1/25-3-92 : Explanation by Thiru P. Velayutham to the memo dated 9-3-92 (xerox copy).

W-2/22-5-92 : Charge sheet issued to Thiru Velayutham (xerox copy).

W-3 : Enquiry Proceedings (xerox copy).

W-4/7-12-92 : Findings of the Enquiry Officer (xerox copy).

W-5/6-3-93 : Second show cause notice issued to Thiru Velayutham (xerox copy).

W-6/15-3-93 : Explanation by Thiru Velayutham to Ex. W-5.

W-7/15-3-93 : Proceedings of the Enquiry of Personal hearing (xerox copy).

W-8/16-3-93 : Dismissal Order (xerox copy).

W-9/13-4-93 : Appeal preferred by the Petitioner-workman

W-10/11-10-93 : Order of the Appellate Authority (xerox copy).

W-11/5-2-94 : Appeal by the Petitioner to the Chairman of the respondent bank.
For Management : Nil.

नई दिल्ली, 8 जुलाई, 1997

B. Shridhar Shetty, Clerk from service w.e.f. 11th February, 1992 is legal and justified? If not, what relief is the said workman entitled to?"

का०आ० 1918.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबंधन के संबंध में निदेशों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम-1, मुंबई के पंचाट का प्रकाशन करती है, जो केन्द्रीय सरकार की 07-07-97 को प्राप्त हुआ था।

[सं० एल-12012/139/95-आई आर(बी-II)]

सनानन, डेस्क अधिकारी

New Delhi, the 8th July, 1997

S.O. 1918.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-I, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Vijaya Bank and their workmen, which was received by the Central Government on 7th July, 1997.

[No. L-12012/139/95-IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice R. S. Verma, Presiding Officer.

Reference No. CGIT-36 of 1995

PARTIES :

Employers in relation to the management of Vijaya Bank.

AND

Their workmen.

APPEARANCES :

For the Management—Shri R. N. Shah, Advocate.

For the Workman—Shri Gadkari, Advocate.
STATE : Maharashtra.

Mumbai, dated the Eighteenth day of June, 1997

AWARD

1. The appropriate Government, by its order dated August 25, 1995 has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Vijaya Bank, Bombay in dismissing Sri.

2. The workman filed his statement of claim on 5th April, 1996. The management on Vijaya Bank filed its written statement on 28th June, 1996. No rejoinder was filed by the workman. However, he filed an affidavit dated 19th December, 1996 in support of his case.

3. Both the parties have filed documentary evidence but have not led any oral evidence except the aforesaid affidavit of the workman.

4. I have heard learned counsel for both the parties in great details. The case has a chequered history. The workman Shri B. Sridhar Shetty joined the services under the Vijaya Bank in October, 1977 as a Clerk. On 19-12-86 the workman was charge-sheeted for committing certain misconduct, inter alia abusing and assaulting one lady Smt. Andrea V. Ferns. A domestic enquiry was duly held and the Enquiry Officer found the charges levelled against the workman as "Not Proved". The disciplinary authority did not agree with the findings of the Enquiry Officer and after duly considering the matter punished the workman by stopping six increments permanently, which had the effect of postponing his future increments. This was done vide Order dated 26-10-1987.

5. It will not be out of place to mention that during the pendency of the domestic enquiry the workman was placed under suspension. However, after the punishment order as stated above had been passed on 26-10-87 the workman was by an order dated 27-10-87 transferred to Nagpur Branch of the Bank and it was specifically mentioned in the order that the revocation of suspension will take effect from the date of the workman's reporting at Nagpur Branch.

6. The workman filed an appeal before the Deputy General Manager against the order of punishment but his appeal was dismissed. Aggrieved, the workman preferred a writ petition before Honourable the Bombay High Court complaining that the appellate authority had not given him a personal hearing. Hon'ble the High Court by an interim order stayed his transfer to Nagpur and allowed him to be shifted from Mahim Branch to Wadala Branch. This writ petition was accepted and order of the appellate authority was set aside and the appellate authority was directed to dispose of the appeal afresh after giving personal hearing to the workman. The appellate authority in pursuance of the aforesaid order of the High Court heard the workman and also examined the written submissions advanced by him and by a detailed order dated 29th August, 1989 dismissed the appeal and upheld the order of punishment passed against the workman.

7. The aforesaid order of the appellate authority was challenged by the workman by filing another writ petition before Hon'ble the Bombay High Court by filing writ petition No. 329 of 1990. It may here be stated that the original order of transfer dated 27th October, 1987 was not acted upon in view of the fact that on 23rd of March, 1989, learned counsel for the management stated before Hon'ble the Bombay High Court that the said order of transfer dated 27-10-87 will not be acted upon. Consequently, the aforesaid order was not acted upon during the pendency of the aforesaid writ petition. However, the workman was shifted from Mahim Branch to Wadala Branch. However, when the workman had been finally punished as a consequence of his losing the appeal before the appellate authority a fresh transfer order dated 24-7-90 was passed transferring the workman from the Wadala Branch to the Nagpur Branch. He was also issued a relieving order dated 31-7-1990 and was directed to report for duty at the Nagpur Branch after availing 3 days joining time.

8. It is an admitted position that the workman did not carry out this transfer order as in his opinion the order suffered from mala fides and was an act of victimisation. This non-compliance of the order of transfer led to another charge sheet against the workman for the gross misconduct of defying and non-complying with the aforesaid transfer order. This charge sheet led to a proper domestic enquiry resulting in the report of the Enquiry Officer dated 28-9-91 holding the workman guilty of the said charge. The disciplinary authority furnished copy of the report of the Enquiry Officer to the workman and issued due show cause notice proposing punishment. In his reply to the show cause notice the workman submitted that he was being victimised by the Bank and should not be punished. Not satisfied by the explanation, the disciplinary authority passed the order of punishment dated 11-2-1992.

9. The workman has now challenged the action of the disciplinary authority in dismissing him from service with effect from 11-2-1992. The main contention of Shri Gadkari for the workman is that the transfer of the workman to Nagpur was mala fide exercise of power by the management and amounted to victimisation of the workman and hence the workman was justified in not complying with the transfer order. Hence he could not have been punished for non-compliance of the such a transfer order and therefore this tribunal should hold that dismissal is neither lawful nor justified.

10. Learned counsel for the management has submitted that the nature of the transfer order in question was considered by the Hon'ble the Bombay High Court in the writ petition filed by

the workman and Hon'ble the Bombay High Court has categorically held that the transfer order of the workman was not by way of any punishment but was made for administrative reasons. It is submitted that once the transfer order in question has been held to be valid by the Hon'ble the Bombay High Court in writ petition filed by the workman himself, the workman cannot be permitted to contend that his transfer order was mala fide and was by way of punishment and victimisation.

11. I have considered the rival contention. I may straight away state that the first punishment imposed upon the workman of stoppage of six increments having the effect of postponing his increments by six years became final and the legality of that order is no longer in question before me, though Shri Gadkari submitted that the 9th Metropolitan Magistrate, Bandra had acquitted the workman of the charge of inter alia assaulting Mrs. Andrea V. Ferns. To my mind, the subsequent acquittal of the workman after the order of punishment had become final is neither here nor there.

12. The first order of transfer of the workman dated 27th October, 1987 during the pendency of the domestic enquiry was not given effect to in view of the fact that a statement had been made by the Advocate of the Management before Hon'ble the High Court hearing writ petition of the workman that the said order will not be given effect to. However, the workman was shifted from Mahim Branch of the Bank to the Wadala Branch of the Bank at Bombay. Eventually, the workman was punished and was transferred to Nagpur. This transfer order came to be considered by Hon'ble the High Court. It was contended on behalf of the workman that the transfer to Nagpur from Wadala Branch was a punishment. The legality of the final transfer order (for non-compliance of which the workman was duly charge sheeted and dismissed) was considered by the Division bench of Hon'ble the Bombay High Court in its judgment dated October 1, 1990. Wherein the division bench categorically held that the transfer of the workman to Nagpur was for Administrative reasons. The learned judges in their aforesaid judgment inter alia observed as follows:

"It has throughout been the contention of the respondent that the transfer of the petitioner to Nagpur is for administrative reasons. We have set out the circumstances in which the petitioner had to be shifted to the Wadala Branch from Mahim Branch, both being in the city of Bombay. In these circumstances, the reliance of the petitioner on Rule 1.1 of the guidelines relating to the transfer policy for clerical staff is misplaced. The

transfer from Mahim to Wadala Branch was not a transfer in the ordinary course of business but was occasioned on account of the hostile atmosphere against the petitioner in the Mahim Branch because of the incident in question. The petitioner cannot take advantage of this temporary transfer to Wadala Branch pending enquiry and contend that he should be kept at Wadala Branch for five years at least as per the said guidelines. The transfer to Nagpur is not by way of punishment but is for administrative reasons. (Emphasis supplied).

To my mind, once Hon'ble Bombay High Court found that the transfer of the workman from Wadala Branch to Nagpur was on administrative reasons and was not by way of punishment, the workman cannot be permitted to contend that the transfer was actuated by mala fide reasons and was an act of victimisation. The workman having invited Hon'ble the High Court to pronounce its opinion on the legality of his transfer from Wadala to Nagpur cannot be permitted to turn round and say that the aforesaid findings of the Hon'ble High Court is not correct and proper. Shri Gadkari strenuously contended before me that full facts were not placed before the Hon'ble High Court and therefore the aforesaid findings of the Honourable the High Court should not deter this tribunal from holding that transfer of the workman from Wadala Branch to Nagpur Branch was mala fide and was an act of victimisation. In this context, he repeatedly stressed that in his affidavit the workman had stated that the transfer order was illegal, improper and an act of victimisation. It is submitted that this statement was not subjected to any cross-examination and must be held to be true and correct. In my opinion the arguments are devoid of all merit. The circumstances under which the workman had been shifted from Mahim to Wadala and then had been transferred from Wadala Branch to Nagpur have been discussed by Hon'ble the High Court. If the workman thought that full facts had not been placed before Hon'ble the High Court, he could have made a request before Honourable the High Court for placing such facts which would have gone to show that the aforesaid transfer order was illegal, improper and an act of victimisation. He did not adopt that course and having taken a chance that finding may go in his favour he cannot be permitted to turn round in these proceedings and say that the order of honourable the High Court was not based on correct facts. The principle of *res judicata* and *estoppel* apply to industrial adjudication also and in my opinion the contention of the workman on this score is barred both by the principle of constructed *res judicata* and also by the principle of *estoppel*.

13. The workman could have alternatively requested the High Court that it may not pronounce upon the legality or otherwise of his transfer from Wadala branch to Nagpur and then the Hon'ble High Court in its wisdom would have refrained itself from deciding the question.

14. To my mind, the question of legality and propriety of the transfer of workman from Wadala Branch to Nagpur having been adjudicated by Honourable High Court, in exercise of its writ jurisdiction is binding upon the parties and to my mind the present proceedings are a gross abuse of the process of industrial adjudication.

15. The workman defied and disregarded deliberately his order of transfer from Wadala Branch to Nagpur. In my opinion, when this fact is admitted, he cannot be permitted to complain that he was unjustly punished. I find no illegality, impropriety or unjustness in the order of dismissal of the workman and he does not deserve any sympathy of this tribunal.

In the premises aforesaid this claim of the workman is rejected with costs and I hold that the dismissal of the workman was eminently justified, legal and proper.

Award is made accordingly.

R. S. VERMA, Presiding Officer

नई दिल्ली, 8 जुलाई, 1997

का०आ० 1919—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार बैंक आफ बड़ौदा के प्रबन्धसूत्र के मंत्रालय नियोजकों और उनके कर्मचारियों के बीच, अन्तर्गत में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण अजमेर के पंचाट को प्रस्तावित करती है, जो केन्द्रीय सरकार को 07-07-97 को प्राप्त हुआ था।

[सं० एल-12012/159/95-आई आर (बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 8th July, 1997

S.O. 1919.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ajmer as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 7-7-97.

[No. L-12012/159/95-IR(B-II)]

SANATAN, Desk Officer

अनुबन्ध

न्यायालय श्रम न्यायाधीश एवं औद्योगिक न्यायाधिकरण,
अजमेर (राज०)

सी०आई०टी०आर० 11/96

रफरेंस नं० एल-12012/159/95 दिनांक 30-9-96
श्री रामचन्द्र पुत्र श्री कालुराम जाति माली निवासी ग्राम
राजगढ़ जिला अजमेर

.... प्रार्थी

1. बैंक ऑफ बड़ौदा, प्रधान कार्यालय मांडवी बड़ौदा जरिये
क्षेत्रीय प्रबंधक अजमेर क्षेत्र, क्षेत्रीय कार्यालय स्टेशन रोड,
अजमेर।
2. शाखा प्रबंधक, बैंक ऑफ बड़ौदा ग्राम किराव जिला
अजमेर।

.... अप्रार्थी

समक्ष

श्री हर्गिमिह यू० अम्नानी, आर०एच०जे०एस०
पीटर्सोन अधिकारी

प्रार्थी की ओर से श्री किशन गुर्जर।
अप्रार्थी की ओर से श्री बी०डी० भार्गव।

दिनांक, जून 18, 1997

अवार्ड

1. केन्द्र सरकार द्वारा प्रेषित विवाद इस प्रकार है:—

“Whether the action of Branch Manager Bank of Baroda Kirap Minor in terminating the services of Shri Ram Chandra w.e.f. 22-11-93 is legal and justified? If not what relief the workman is entitled to?”

2. प्रार्थी रामचन्द्र द्वारा शाखा प्रबंधक, बैंक ऑफ बड़ौदा ग्राम किराव जिला अजमेर (जिसे आगे से संक्षेप में नियोजक कहेंगे) के विरुद्ध प्रस्तुत स्टेटमेंट ऑफ क्लेम के संक्षेप में तथ्य इस प्रकार हैं कि:—

- (1) यह कि प्रार्थी ने नियोजक बैंक के अधीन शाखा ग्राम किराव जिला अजमेर में चपरासी के पद पर 21-5-92 से 22-11-93 तक कार्य करते हुए 448 दिन की कार्य अवधि पूर्ण की।
- (2) यह कि दि० 23-11-93 को नियोजक ने बिना कोई कारण बताये प्रार्थी को मौखिक आदेश से पदच्युत कर दिया।
- (3) यह कि प्रार्थी को अवैध तरीके से सेवा मुक्त किया गया है और उसे हटाने के पश्चात् अन्य लोगों को उसके स्थान पर नियुक्ति दी गयी।

- (4) यह कि प्रार्थी ने पूर्व वेतन लाभ सहित सेवा में बहाली का अनुरोध किया है।

3. नियोजक द्वारा प्रस्तुत उत्तर का तात्त्विक सार यह है कि प्रार्थी को पूर्णतया अस्थायी व्यवस्था के अंतर्गत आकस्मिक रूप से दैनिक वेतन भोगी कर्मचारी के रूप में कार्य पर रखा गया और उसी अनुरूप उसे भुगतान भी कर दिया गया और प्रार्थी की सेवाएँ जिस दिन उसे रखा गया था उसी दिन के लिए थी जो कार्यालय समय पश्चात् समाप्त हो जाती थी। नियोजक के यहाँ स्थाई अथवा नियमित नियुक्ति हेतु एक प्रक्रिया है जिसमें आयु, शैक्षणिक योग्यता तथा साक्षात्कार के आधार पर नियुक्ति की जाती है और नियोजन कार्यालय के माध्यम से नाम मंगाये जाते हैं और ब्रांच मैनेजर को नियुक्ति का अधिकार नहीं है वह क्षेत्रीय प्रबंधक को है। नियोजक ने प्रार्थी के क्लेम को निरस्त करने की प्रार्थना की है।

4. श्रमिक रामचन्द्र ने स्वयं को साध्य में पेश किया और नियोजक की ओर से कोई गवाह पेश नहीं हुआ है। मैंने उभयपक्ष को गुना तथा पत्राचार का सावधानता से अवलोकन किया।

5. प्रार्थी के विरुद्ध अधिवक्ता ने केस में उल्लिखित तथ्यों को सारभूत रूप से तर्कों के रूप में प्रस्तुत किया और इसी प्रकार नियोजक ने मुख्य रूप से केस के जवाब में दर्शाये गये तथ्यों को तर्कों के रूप में प्रस्तुत करने हुए मेरा ध्यान 1997(3) सुप्रीम पेज 733 की ओर आकषित किया।

6. प्रार्थी रामचन्द्र ने बयान के रूप में प्रस्तुत शपथ पत्र में तात्त्विक सार में केस के तथ्यों को उल्लिखित किया है। प्रतिपरीक्षा में कहा है कि नियोजक बैंक के यहाँ चपरासी को रखने के लिए एक निश्चित निर्धारित प्रक्रिया है और उस हेतु भर्ती के लिए नियोजन कार्यालय से नाम मंगाये जाते हैं। प्रार्थी ने यह भी स्वीकार किया है कि चपरासी को नियुक्त करने का मंजूर अधिकारी क्षेत्रीय प्रबंधक होता है। इस गवाह के अनुसार उसके पश्चात् कौलाश और जसवंत को भी नियोजन कार्य पर रखा था और इन बात की जानकारी उसे समझौता वार्ता के समय तथा केस पेश करते समय भी थी किन्तु उसने समझौता वार्ता में और क्लेम में यह तथ्य प्रकट नहीं किया कि इन लोगों को बाद में रखा गया। प्रार्थी के अनुसार उसे शाखा प्रबंधक ने मौखिक रूप से कहा था कि जब तक स्थाई कर्मचारी नहीं आयेगा तब तक तुम्हें काम पर रखेंगे।

7. इस स्तर पर हम 1997(3) सुप्रीम पेज 733 हिमांशु कुमार बिदार्थी एवं अन्य बनाम बिहार राज्य में माननीय उच्चतम न्यायालय द्वारा दी गयी व्यवस्था पर गौर करेंगे ताकि उसके आलाोक में प्रार्थी के क्लेम और तथ्य की स्थिति पर विचार किया जा सके। इस न्यायिक दृष्टांत में माननीय उच्चतम न्यायालय के समक्ष जो मामला विचाराधीन था वह एक ब्रांडेड, तीन अनुबंध श्रेणी कर्मचारी और

एक सहायक ने संबंधित था जिनकी विभिन्न तारीखों पर नियुक्ति हुई थी। वे सभी दैनिक वेतन भोगी कर्मचारी थे और नियोजक ने उनकी सेवाएं समाप्त कर दी थी। उन अधिकारियों की मुख्य शिकायत यह थी कि उनकी सेवा मुक्ति औद्योगिक विवाद अधिनियम की धारा 25 एफ की अवहेलना में की गयी थी। माननीय उच्चतम न्यायालय ने स्वयं को निर्णायक या प्रश्न निर्णीत किया कि क्या प्रत्यर्थनियम धारा 25एफ के अधीन छंटनी की परिधि में आता माने जा सकते हैं। इस संबंध में यह व्यवस्था दी गयी कि प्रत्येक मजदूरी विभाग को उद्योग नहीं माना जा सकता और जब नियुक्ति का कानूनी नियमों के अधीन नियमित **Regulate** होता है तो तब वहां उस संस्था तक उद्योग की अवधारणा उद्योग की परिभाषा की परिधि में आती है। अधिवक्ता इस मामले में नियमों के अनुपालन नहीं किये गये थे वे दैनिक वेतन पर आधारित कर्मचारी थे। ऐसी सुरत में माननीय उच्चतम न्यायालय ने यह व्यवस्था दी कि उनकी सेवा मुक्ति को छंटनी नहीं माना जा सकता और छंटनी की अवधारणा को इस प्रकार विस्तार नहीं किया जा सकता जिसमें इस प्रकार के श्रेणी के कर्मचारी शामिल हो जाये और अतः माननीय उच्चतम न्यायालय ने यह व्यवस्था दी कि चूंकि वे केवल दैनिक वेतन भोगी कर्मचारी थे तब उन्हें पद पर बने रहने का अधिकार नहीं था; और उनकी सेवा मुक्ति माननीय नही कही जा सकती। इस न्यायिक दृष्टांत के संदर्भ में जब प्रार्थी कि वे पद को खो चुका है तो वह स्थिति स्पष्ट हो जाती है कि प्रार्थी की नियुक्ति निर्धारित प्रक्रिया या नियमों के अंतर्गत नहीं हुई थी। वह दैनिक वेतन भोगी था और उसे वह भी स्पष्ट बता दिया गया था कि जब स्थाई कर्मचारी था जाएगा तब तब वह कार्य कर सकता है। राष्ट्रीयकृत बैंक भारतीय सविधान के अनुच्छेद 12 के तहत राज्य का परिभाषा में आता है और उसमें भर्ती के लिए कानूनी नियम बनाए गए हैं। रोजगार ब्यवस्था से नाम मंगाने जाते हैं और यदि इस प्रकार की निर्धारित प्रक्रिया की अवहेलना करते हुए दैनिक वेतन भोगी कर्मचारी को नियमित या नियुक्त किया जाता है तो उस अवस्था में दैनिक वेतन पर नियुक्तियां अनुचित और अवैध तरीके से नियमित नियुक्तियों के लिए कंडक्ट पाइप (Conduct pipe) बन जाती हैं और इस प्रकार की पिछले द्वार से प्रविष्टि को माननीय उच्चतम न्यायालय ने 1996(1) एल एल एन 219 स्टेट प्राफ डिजाइन प्रदेश बनाम सुरेश कुमार वर्मा के मामले में सेवाओं के लिए विपरीत प्रभाव डालने वाली प्रक्रिया बताते हुए कहा है कि इससे अप्टाचार और भ्रष्ट-वर्तमानवाद के बीज रोपित होंगे। इस न्यायिक दृष्टांत ने यह भी स्पष्ट कर दिया गया है कि दैनिक वेतन के आधार पर नियुक्ति नियमों के अनुसार किसी पद पर नियुक्ति नहीं है। कुछ इसी प्रकार की व्यवस्था हमें 1996(2) एल एल एन पेज 666 प्रेमसिंह सोडा बनाम राज० राज्य में माननीय राज्य उच्च न्यायालय द्वारा दिये गये निर्णय में देखने को आता है। वह नहीं है कि दैनिक वेतन पर

यदि किसी अधिकारी ने 240 दिन से अधिक कार्य कर लिया है और उसकी छंटनी की जाती है तब औद्योगिक विवाद अधिनियम की धारा 25एफ की पालन करना अनिवार्य है। इस मामले में अधिकारी द्वारा 448 दिन की कार्य अवधि पूर्ण करना एकदम होता है। ए.आई.आर. 1978 पेज 548 बैंगलोर वाटर सप्लाय बनाम ए. राजप्पा में माननीय उच्चतम न्यायालय ने उद्योग के संबंध में विस्तृत व्याख्या करते हुए जो निर्णय दिया उससे अधिक को मजबूत प्राप्त हो सकता था? किन्तु बैंगलोर वाटर सप्लाय के मामले में माननीय उच्चतम न्यायालय ने उद्योग की परिभाषा को जितना विस्तृत रूप दिया था वह माननीय उच्चतम न्यायालय के हिमांगु विचारों के नवीनतम निर्णय के परिणामस्वरूप अत्यंत सीमित हो गया है और जहां कानूनी नियमों के तहत भर्ती की प्रक्रिया निर्धारित है तब उस प्रक्रिया की अनुपालना के बगैर दैनिक वेतन पर की गयी नियुक्तियों कानूनी दृष्टि से किसी पद के विरुद्ध नियुक्त नहीं मानी जा सकती। इस मामले में अधिकारी ने स्वयं को बैंक में खपरासी होता बताया है और उस पर दैनिक वेतन पर कार्य करना दर्शाया है प्रार्थी ने अपनी प्रतिपरीक्षा में जो बयान दिया है वह नियोजक पक्ष द्वारा प्रस्तुत न्यायिक दृष्टांतों के आलोक में उसकी कोई उल्लेखनीय सहायता नहीं करता है क्योंकि वह स्वयं मानता है कि वह दैनिक वेतन पर था; नियोजक के यहाँ भर्ती की निश्चित प्रक्रिया थी। नियोजक कार्यालय से नाम मंगाने जाते थे जिसने उसे नियुक्त किया वह सूक्ष्म अधिकारी भी नहीं था और उसमें वे तथ्य इस बात को इंगित करते हैं कि प्रार्थी की किसी स्वीकृत या नियमित पद पर नियुक्ति नहीं हुई थी और वह नियोजक पक्ष द्वारा प्रस्तुत न्यायिक दृष्टांतों के आलोक में पदधारण करने का अधिकारी नहीं रहता। अतः प्रेषित विवाद का अधिनियम इस प्रकार किया जाता है कि प्रार्थी अधिकारी रामचंद्र की दि० 22-11-93 से सेवामुक्ति की कार्यवाही उचित एवं वैध है और अधिकारी किसी अनुत्तम को प्राप्त करने का अधिकारी नहीं है।

अब ई आज दि० 18 जून, 1997 को निवाया, जाकर खुले न्यायालय में सुनाया गया। एआई की प्रति नियमानुसार राज्य सरकार को वास्ते प्रवागमार्थ प्रेषित की जावे।

हरिसिंह यू० प्रसवानी, न्यायाधीश

नई दिल्ली, 9 जुलाई, 1997

का.अ. 1920.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू बैंक ऑफ इंडिया प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 08-07-97 को भी आया।

[य. ए. 12 249/92-आई आर (बी.-2)]
माननीय, उच्च न्यायालय

New Delhi, the 9th July, 1997

S.O. 1920.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of New Bank of India and their workmen which was received by the Central Government on 8-7-1997.

[No. L-12012/249/92-IR(B-II)]
SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 142 of 1992

In the matter of dispute :

BETWEEN

Kamlesh Chaturvedi,
General Secretary,
New Bank of India Staff Union,
128/F/75, Kidwai Nagar,
Kanpur-208001.

AND

Regional Manager,
New Bank of India,
94, Mahatma Gandhi Marg,
Lucknow.

AWARD

1. Central Government, Ministry of Labour New Delhi vide its Notification No. L-12012/249/92-I.R.(B-2) dated 4-12-92 has referred the following dispute for adjudication to this Tribunal :

Whether the action of Regional Manager, New Bank of India, Lucknow of terminating services of ex-employee Sh. Mahendra Kumar Verma w.e.f. 4-2-89, is justified ? If not what relief the workman is entitled to ?

2. There was formerly New Bank of India, having its branch at Ghatampur in Distt. Kanpur. This Bank was merged with the opposite party Punjab National Bank in 1993.

3. The case of the concerned workman is that he was engaged in subordinate cadre of the then New Bank of India in September 1985 at the above mentioned Ghatampur branch. Work of Peon like laying of Bank Accounts Book at various tables,

moving of files, purchase of stationery, posting of dak, closing of books at the close of day and providing water to staff for drinking. He continuously worked upto 4-2-89 when his services were brought to an end in breach of Section 25F and H I.D. Act. He was paid Rs. 10 per day as wages which was increased to Rs. 15 later on.

4. In the written statement the opposite party bank has alleged that the concerned workman was engaged to supply water and his duty was for one hour per day. He was never engaged to perform duty of a peon. In fact he never performed such duties.

5. In the rejoinder fresh facts alleged in the written statement have been denied.

6. In support of his case the concerned workman Mahendra Kumar Verma WW(1) has been examined beside Ext. W-1 to Ext. W-70 documents have been filed. In rebuttal there is evidence of the then branch manager Sangam Lal Gupta MW(1).

7. Mahendra Kumar Verma WW(1) has stated that he was engaged as Peon in 1985 and he worked upto 4-2-89. He use to do work of Daftri. In his cross examination he was stated that no appointment letter and termination order was issued in writing. His attendance was not marked in register. Wages were paid through voucher. On the other hand Sangam Lal Gupta has stated the concerned workman was engaged as Water Boy from September 86 to January 87. He never performed the job of Peon. In his cross examination he has stated that concerned workman was engaged for a fix period. Voucher of wages would be lying in the Bank. Thus from his evidence it appears that this witness has not examined the voucher of the concerned workman which are still available in Bank that would have the best evidence to prove the number of days. Since this witness has not given evidence on the basis of record his evidence is weaker than that of the concerned workman. Beside there are document filed by the concerned workman which go to show that he was engaged as a temporary Water Boy. Ext. W-2 to Ext. 51 are papers which go to show that the concerned workman had gone to Post Office for getting to letter posted and registered which is certain the job of a Peon. Ext. 62 to Ext. 56 are the credit cash receipts through which the concerned workman was paid these charges. Further there is Ext. 58 a letter issued by the branch Manager Ghatampur to Asstt. General Manager in which the concerned workman has shown as a temporary Water Boy. Thus from these papers it become clear that the concerned workman was required to perform the job of a Peon. The case of the management that the workman was engaged to supply water for one hour is not correct.

8. Hence my finding is that concerned workman was actually engaged to perform the work of Peon.

and was paid Rs. 10 as wages. My further finding is that concerned workman has completed more than 240 days in a year. Admittedly no retrenchment compensation and notice pay has been paid to him at the time of termination. Hence this termination is bad being in breach of Section 25F I.D. Act.

9. The concerned workman Mahendra Kumar Verma WW-1 has stated that after his removal one Ramesh Kumar was engaged but no opportunity was given to him. This fact has been categorically denied by Sangam Lal Gupta MW-1. In the absence of further more evidence from the side of workman, I do not accept the evidence of workman. Hence it is held that there has been no breach of Section 25H I.D. Act.

10. In the end my award is that termination of concerned workman being in breach of Section 25F is bad in law and the concerned workman will be entitled for reinstatement with back wages at the rate at which he was getting his wages per day at the time of his termination.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 9 जुलाई, 1997

का.आ. 1921.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबंधितियों और उनके कर्मचारों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 08-07-97 को प्राप्त हुआ था।

[सं. एन-12012/49/92-आई आर (बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 9th July, 1997

S.O. 1921.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 8-7-1997.

[No. L-12012/49/92-IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 84 of 1992

In the matter of Dispute:

BETWEEN

Nirmal Kumar Tiwari,
C/o V. N. Sekhri,
26/104 Birhana Road,
Kanpur.

AND

Regional Manager,
Punjab National Bank,
Mall Road Kanpur.

AWARD

1. Central Government Ministry of Labour, New Delhi vide its Notification No. L-12012/49-92-I.R. B-2 dated 3-7-92 has referred the following dispute for adjudication to this Tribunal:

Whether the claim of Sh. Nirmal Kumar Tiwari that he was employed at the Birhana Road Branch Kanpur, of Punjab National Bank from 14-1-87 to 4-2-89 continuously and that termination of his services by the management of Punjab National Bank was in violation of Section 25F, G & H of the I.D. Act, is correct? If so, what relief the workman is entitled to?

2. The case of concerned workman Nirmal Kumar Tiwari is that he was engaged as a Peon-Cum-Water Boy/Sub staff on 14-1-87 at Birhana Road Branch Kanpur of opposite party Punjab National Bank. He continuously worked upto 4-2-89, where after his services were terminated. During this period he had completed than 240 days in a year. Yet when he was removed from service no notice pay and retrenchment compensation was given. Hence this termination is bad being in breach of Provision of Section 25F I.D. Act. Beside there has been breach of provision of Section 25G and H I.D. Act.

3. In the written statement it was alleged that the concerned workman was engaged as daily rated worker to perform casual work. He did not do any work connected with the working of Bank. He had not completed 240 days in a year. There had been no breach of provision of 25G and H I.D. Act.

4. In the rejoinder fresh facts alleged in the written statement have been denied.

5. In the case joint inspection was made the report is dated 18-6-96 in on record beside there is evidence of Nirmal Kumar Tiwari WW(1) in rebuttal there is evidence of Manager Personnel S. Kappor MW(1).

5. The concerned workman Nirmal Kumar Tiwari has stated that he had continuously worked from 24-1-87 to 4-2-89 as Peon-cum-Waterman.

In his cross examination he had denied that he had worked for 117 days only. S. Kapoor MW(1) has not said any thing in this regard. Thus the evidence of concerned workman in this regard is un rebutted. Further it find support from joint inspection report as well. I do not accept the evidence of concerned workman and hold that he has worked for more than 240 days in a year before his termination, as a daily rated worker. Admittedly no retrenchment compensation and notice pay has been given. Hence his termination is bad being in breach of Section 25F I.D. Act.

6. There is no pleading or no proof to show that any one junior to the concerned workman has been retained in service. Hence provision of Section 25G have been violated.

7. The concerned workman Nirmal Kumari Tiwari WW(1) has stated that Vijai Kumar by name has been engaged but no opportunity was given to him. This fact has been denied by S. Kapoor MW(1) who has stated this Vijai Kumar was appointed in 1985, that much before the engagement of concerned workman. In view of this it has had that there has been no breach of Section 25H I.D. Act.

8. In the end my award is that termination of concerned workman being in breach of 25F is bad in law and the concerned workman will be entitled for reinstatement with back wages at the rate at which he was getting his wages per day at the time of his termination.
Date : 30-6-1997.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 9 जुलाई, 1997

का.आ. 1922.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेट्रोल बैंक आफ इंडिया के प्रबंधन के संबंध में निदेशकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 08-07-97 को प्राप्त हुआ था।

[सं. एन-12012/280/92-आईआर(बी-II)]
सनान, डेस्क अधिकारी

New Delhi, the 9th July, 1997

S.O. 1922.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India 1818 GI/97—13

and their workmen, which was received by the Central Government on 8th July, 1997.

[No. L-12012/280/92-IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL - CUM - LABOUR COURT, PANDU NAGAR, DEOKI PALACE ROAD, KANPUR

Industrial Dispute No. 149 of 1992

In the matter of dispute :

BETWEEN

Ram Achal Mishra,
Assistant General Secretary,
Central Bank of India Staff Association,
Up Stairs Deepak Talkies Gate,
CK-37/47-C Bansphatak Varanasi.

AND

Regional Manager,
Central Bank of India,
Lanka Varanasi.

APPEARANCE :

Sri B. P. Saxena—for the workman.
Sri V. K. Gupta—for the Management.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12012/280/92-IR-B-2 dated 9th December, 1992 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Central Bank of India in awarding punishment to Sri Ram Swarup Clerk Central Bank of India Katra Branch, Allahabad vide disciplinary authority's order No. RC/PRS/BR/13/A/9/550 dated 16th September, 1985 is legal and justified? If not, to what relief Sri Ram Swarup is entitled to?

2. There is no dispute that the concerned workman Ram Swarup was working as a clerk in Ratsar Branch in District Ballia of the opposite party Central Bank of India. He was served with a chargesheet dated 17th/20th January, 1983 which comprises of three charges. Charge No. 1 related to disobedience of the order of Branch Manager. Charge No. 2 related to Gherao of the Branch Manager. Charge No. 3 related to holding up of the work of Bank due to this gherao. The charge sheet runs as under :—

1. On 7th August, 1982 at 11.55 a.m. at Ratsar Branch an account holder of HSS

Account No. 46 Sri Suresh Bahadur Singh presented a withdrawal form of Rs. 400 which was returned by Ram Swarup stating that now no withdrawal will be passed. At this Sri Singh came to the branch Manager and said that although he had come to the branch within time and he needed the money urgently, Sri Ram Swarup, the clerk concerned was not posting the said withdrawal. At this the Branch Manager gave a written order on the withdrawal form to Sri Ram Swarup for the posting of the said withdrawal stating that he will not post the withdrawal "what may come". Thus Sri Ram Swarup wilfully disobeyed the written orders of the branch manager and therefore for his above act of wilful insubordination and disobedience of the written order of the Branch Manager Sri Ram Swarup is charged with gross misconduct under para 19.5(e) of the Bipartite Settlement.

2. On 7th August, 1982 from 1.00 p.m. to 2.30 p.m. at Ratsar Branch Sri Ram Swarup alongwith Sri Arvind Kumar Sinha, Ag. Asstt. and Sri Raj Bali Ram clerk gheraoed the Branch Manager and behaved indecently and by holding the hands of the branch Manager forcibly obtained the acknowledgment of the complaint letter of Sri Raj Bali Ram had the branch Manager not acknowledged the said complaint letter. Messrs Ram Swarup, A. K. Sinha and Raj Bali Ram would have assaulted the branch Manager. For his above noted indecent behaviour on the premises of the bank. Sri Ram Swarup is charged with gross misconduct under para 19.5(C) of the Bipartite Settlement.

3. On account of the above noted charges of the branch Manager and indecent behaviour of Sri Ram Swarup, the branch functioning at Ratsar was held up interrupted from 1.00 p.m. to 2.30 p.m. on 7th August, 1982. The above act of Sri Ram Swarup is being prejudicial to the interest of the bank. Sri Ram Swarup is charged with gross misconduct under para 19.5 of the Bipartite Settlement.

After completing enquiry the enquiry officer submitted the report on 10th August, 1985. It was found that charge No. 1 was not proved whereas charges Nos. 2 and 3 were partly proved. The concerned workman was awarded punishment of one increment by way of punishment by order dated 16th September, 1985. appeal was also dismissed feeling aggrieved the concerned workman had

raised the instant industrial dispute. In the claim statement the fairness and propriety of domestic enquiry was questioned which fact was denied by the opposite party hence a preliminary issue was framed regarding fairness and domestic enquiry. Vide finding dated 6th January, 1997 this tribunal held that enquiry was not fairly and properly held. Hence, the management was given opportunity to prove the misconduct on merits. It has already been noticed that charge No. 1 was not found to be proved by the enquiry officer, hence it need not be considered again as it has become final. As regards charge Nos. 2 and 3 the enquiry officer has held that no force was used and only gherao was made. It was further held that working of bank was heldup for some time. Hence we have to examine as to whether the branch Manager was gheraoed and working of the bank were interrupted. For this there is evidence of branch Manager B. M. Upadhyay M.W.1. He has stated that on 7th May, 1982 the concerned workman, Raj Bali and A. K. Sinha and others had gheraoed him in the branch and he was not allowed to go outside. In his cross examination, he has admitted that officials of the branch wanted to give a memorandum which he had refused to take.

3. Ram Swarup W.W.1 has stated that he had gone to submit a memorandum but had not gheraoed the manager. Thus there is oath against oath. I am inclined to believe the version of the management. It is common case of the parties that the concerned workman alongwith others had gone to submit a memorandum to the branch Manager which was refused by the later. There is every possibility that this refusal would have infuriated the members of the staff and would have impelled them to gherao the branch manager. Hence because of this probability, I accept the version of the bank management and hold that concerned workman had also gheraoed the Branch Manager which is certainly an act of misconduct. It is further held that this would have unnecessarily resulted in interruption of bank work as well. Thus charges 2 and 3 are found to have proved as were found by the enquiry officer. The punishment awarded to the concerned workman is less than dismissal or removal from service. Hence Tribunal cannot go into the propriety of the punishment. Thus my award is that the concerned workman was rightly punished and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

Dated : 30-6-1997.

नई दिल्ली, 9 जुलाई, 1997

का.आ. 1923.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम भारतीय प्रबंधकों के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध

में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 08-07-97 को प्राप्त हुआ था।

[सं. एल-17012/17/93-आईआर(बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 9th July, 1997

S.O. 1923.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workmen, which was received by the Central Government on 8th July, 1997.

[No. L-17012/17/93-IR(B-II)]
SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 64 of 1993

In the matter of Dispute:

BETWEEN

Pooran Chandra Maisiwal,
C/o Central Zone National Life Insurance
Employees Association,
70-D, Shyam Nagar, Kanpur.

AND

Senior Divisional Manager
Life Insurance Corporation of India,
16/98, Mall Road, Kanpur.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its notification No. L-17012/17/93-IR.BII dated 26th August, 1993 has referred the following dispute for adjudication to this Tribunal:

Whether the claim of Sri Puran Chand Masiwal that he had worked for more than 540 days in the LIC of India between 5th June, 1989 and 26th November, 1990 is correct? If so, whether the termination of his services by the management of LIC of India is justified? What relief, if any, is Puran Chand Masiwal entitled to?

2. It is unnecessary to give the detail of the case as after exchange of pleadings the concerned workman not appeared to adduce his evidence in spite of sufficient opportunity. Hence the reference is answered against the concerned workman for want of prosecution and proof and concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 9 जुलाई, 1997

का.आ. 1924.—औद्योगिक विवाद विधान, 1947 (1947 का 14) के धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन के संबंध में निदेशकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 08-07-97 को प्राप्त हुआ था।

[सं. एल-17012/55/91-आईआर(बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 9th July, 1997

S.O. 1924.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workmen, which was received by the Central Government on 9th July, 1997.

[No. L-17012/55/91-IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL - CUM - LABOUR COURT, PANDU NAGAR, DEOKI PALACE ROAD, KANPUR

Industrial Dispute No. 139 of 1992

In the matter of dispute:

BETWEEN

The Senior Divisional Manager,
Life Insurance Corporation of India,
Divisional Office, 30 Hazratgaj,
Lucknow.

AND

Sri Rais Ahmad,
B-3, 863 Section I, Aliganj,
Housing Scheme, Lucknow

APPEARANCES:

Sri Amrik Singh—for the Management.
Sri B. P. Saxena—for the Workman.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification number 17012/55/91-IR(B-II) dated 1st December, 1991, has referred the following dispute for adjudication to this Tribunal :—

Whether the claim of Sri Rais Ahmad that he is entitled to be appointed regularly in the services of the LIC on the basis of the services rendered by him between 1978—1990 is justified? If so, what relief the workman is entitled to?

2. There is no dispute that earlier concerned workman Rais Ahmad was engaged from 9th August, 1978 for a period of 85 days as temporary Plumber thereafter he was again given appointment for 85 days from 26th October, 1978 which lasted upto 15th February, 1979. The case of the applicant is that during this period a maintenance cell was created in the opposite party Life Insurance of India and he was appointed as a permanent plumber. With effect from 15th February, 1979, the terms and conditions of services of the concerned workman were changed and instead of fixed pay he was paid Rs. 60 per day. He continued to work like this upto 10th October, 1979 thereafter, his services were brought to an end. The work of plumber is still continuing. This termination is bad having not been preceded by any show cause notice. Hence, it is bad in law.

3. The case of the opposite party Life Insurance Corporation of India is that the concerned workman was initially appointed for a fixed period by two separate orders. Thereafter it was decided that maintenance cell should be wound up and consequently after expiry of period of service, work was taken from the concerned workman on job basis as and when necessity arose. Thus from 16th February, 1979 concerned workman was never in service. Hence, question of his reinstatement on the job of plumber much less on permanent basis does not arise.

4. In the rejoinder new facts raised in the written statement have been denied.

5. In support of his case the concerned workman Rais Ahmad W.W.1 has examined himself whereas Rakesh Chandra Shukla, M.W.1 an officer has examined himself. Besides W-1 to W-156 have been filed by the concerned workman whereas management has filed Ext. M-1 to M-67.

6. The first point which needs consideration is as to whether the initial appointment of the concerned workman was for fixed period. Ext. W-2 is the appointment letter dated 8th August, 1978 which goes to show that appointment has been made for a period of 85 days. Ext. W-3 is a letter which would go to show that the maintenance cell has

been established in which Rais Ahmad has been shown as plumber. From these papers it becomes clear that the concerned workman was later on taken for indefinite period. It is the own case of the concerned workman that w.e.f. 16th February, 1979, work like regular employee was not taken from him. Instead he was required to do job work on payment of Rs. 60 per day. Thus in fact the concerned workman was removed from his services w.e.f. 16th February, 1979 and thereafter work was taken from him as a private plumber on the basis of Rs. 60 per day. This conclusion is reinforced from Ext. M-1 to M-30 and M-67 which go to show that concerned workman later on used to submit bills and material which was utilised by him. On the basis of these bills he was made payment through Ext. M. 31 to M. 66. Had he been in service he would not have himself purchased the materials and use for performing the job of plumber and would also have not have claimed labour charges for this. Similarly papers filed by the concerned workman like W-9 to W-13 and W-46 to W-156 also go to show that concerned workman was assigned certain job work. Other papers like Ext. W-38 to W-43 are statement of budget control register but it does not throw any light of relationship of master and servant between the concerned workman and opposite party. Thus from all these papers as said earlier it is established that there was cessation of work of the concerned workman w.e.f. 16th February, 1979 and there after he worked as private plumber. Thus there was no relationship of master and servant. Hence question of termination of services and giving of regular appointment does not arise. As such my award is that as the concerned workman was removed from service w.e.f. 16th February, 1979 and was not in service in 1990 he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 10 जुलाई, 1997

फा.आ. 1925.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाइटेड बैंक आफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निरिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-7-97 को प्राप्त हुआ था।

[सं.एल-12012/44/91-आर्डाआर(बी-II)]

मानान, डेस्क अधिकारी

New Delhi, the 10th July, 1997

S.O. 1925.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to

the management of United Bank of India and their workmen, which was received by the Central Government on 9-7-97.

[No. L-12012/44/91-IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA,
PRESIDING OFFICER, CENTRAL GOVT.
INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 80/91

In the matter of dispute :

BETWEEN

Shri A. H. Khan, through Secniv
United Bank of India Employees Association,
Delhi State Committee,
206-208, Ansal Bhawan,
16, Kasturba Gandhi Marg,
New Delhi-110001.

Versus

Zonal Manager,
United Bank of India,
North India Regional Office
206-208, Ansal Bhawan,
16, Kasturba Gandhi Marg,
New Delhi-110001.

APPEARANCES :

None —for the workman.

Miss Rama Sharma—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/44/91-I.R.B-2 dated 24-6-91 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of United Bank of India in dismissing Shri A. H. Khan from services of the Bank is justified ? If not to what relief is the workman entitled ?"

2. The workman in this case represented originally by Shri I. D. Chopra. Shri I. D. Chopra died and did not appear on 11-1-94 when one V. K. Mehta appeared for the workman. Thereafter none appeared on behalf of the workman until 10/94 when the workman was ordered to be proceeded against exparte.

3. The Management filed affidavit of one of its witness namely Nand Lal Jaitly, Deputy Regional Manager.

4. Since none for the workman has appeared nor any evidence was led as against the affidavit of the management witness, it appears that the

workman was not interested in pursuing this dispute and there is nothing to suggest that the action of the management in dismissing the workman from the service was not justified.

5. In view of the affidavit of the management and no evidence on behalf of the workman it is held that the action of the Management in dismissing the services of Shri A. H. Khan workman was fully justified. Parties are, however, left to bear their own costs.

Dated : 2nd June, 1997

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 10 जुलाई, 1997

का.आ. 1926.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रूयियन बैंक आफ इंडिया के प्रबंधकों के संबंध में निर्यातों और उनके कर्मचारियों के बीच, अनुबंध में निर्यात औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम नई दिल्ली के पंचाट को प्रकाशित करता है, जो केन्द्रीय सरकार को 09-07-97 को प्राप्त हुआ था।

[सं. एल-12012/161/85-डी II/आईआर (बी-II)]

सनानन, डेस्क अधिकारी

New Delhi, the 10th July, 1997

S.O. 1926.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workmen, which was received by the Central Government on 9th July, 1997.

[No. L-12012/161/85-D.II.A/IR (B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESID-
ING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 60/86

In the matter of dispute :

BETWEEN

Shri N. K. Pandey through
The State Vice-President.
U.P. Bank Employees Union,
3/410, Lekh Raj Nagar,
Aligarh.

Versus

The Deputy General Manager,
Union Bank of India,
26—28 D, Connaught Place,
New Delhi.

APPEARANCES :

Shri N. K. Pandey—for the workman.

None—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/161/85-D.II (A) dated 24th July, 1986 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of Union Bank of India in imposing on Shri N. K. Pandey the punishment of stoppage of two increments with cumulative effect and in treating the period from 30th November, 1984 to 7th January, 1985 as leave without pay is justified? If not, to what relief is the workman entitled?”

2. The workman in his statement of claim has alleged that he had been leading trade unionist and has held different posts of the union at District, State and all India level, as stated in claim. His active participation in the general trade union activities and authorised conduct in opposition to irregular acts involving malpractices prejudiced the management made the management victimise him. He was served with two charge sheets dated 27th April, 1983 and 16th June, 1983. The charge sheets were vitiated because charges were vague and no evidence which was based on these charge sheets was cited. The charge sheet was issued with close mind. It has further been alleged in the statement of claim that the charge No. 1 regarding demonstration at Central Bank of India was not covered by any of the gross misconduct specified in the charge sheet. The rest of demonstration was a trade union activities and did not amount to any misconduct. The departmental enquiry conducted by Shri K. K. Dhawan was in violation of the principles of natural justice. There was violation of paragraphs 18.20, 18.24 and 18.28 of the Desai Award. The report of the Enquiry Officer was not fair nor any proper opportunity was given to the workman to defend his case and findings were perverse and based on conjectures and surmises. It was prayed that the punishment imposed on the workman was highly excessive and principles of law and natural justice. Hence action of the management be declared illegal and unjustified.

3. The Management representative on the other hand in its written statement denied the allegations

made in the statement of claim and alleged that full opportunity was afforded to the workman to lead evidence, cross-examine the witnesses and the documents asked for by him were supplied to him. There was no violation in the enquiry proceedings of any principles of natural justice and the rules laid down in the different awards and settlements between the management and the Union were complied with and lenient view was taken by the management while awarding this punishment though enquiry officer had suggested dismissal from service but only stoppage of increment was imposed upon the workman. There was no ground to either interfere in this action of the management as the same was fully justified.

4. The Management in its evidence examined Shri K. K. Dhawan Chief Manager Personnel while the workman examined Shri Brijendra Singh WW1 and himself appeared as WW2.

5. I have heard representatives for the parties and have gone through the record.

6. The representative for the management has urged that it was proved that Shri N. K. Pandey has committed acts of misconduct. The enquiry was conducted by the enquiry officer fully consistent with the principles of natural justice and fair play. The workman was extended full opportunity to defend or represent his case. He was represented by a representative of his own choice and was allowed to inspect the documents as required by him. Full opportunity to cross-examine the witnesses was afforded to the workman, and he submitted his written defence in respect of the aforesaid charges which was fully considered by the enquiry officer. The Enquiry Officer found certain charges as fully proved which constituted gross-misconduct and the enquiry officer recommended that the services of the workman be terminated. However, the punishment of dismissal was not awarded and stoppage of two increments permanently was awarded to the workman.

7. The representative for the workman on the other has urged that the grounds taken by the workman in his statement of claim fully proved his case and the action of the management was unjustified and vindictive against him. None of the charges framed against him were proved. Representative has further urged that the evidence produced by him on record and the documents clearly establish that the enquiry conducted against him was not fair and proper and the punishment awarded to him should be set aside being not justified.

8. After having gone through the points urged before me by the parties representatives I am of the opinion that there was nothing to suggest that the departmental enquiry conducted by the Enquiry Officer was not consistent with the principles of natural justice and fair play or

there was any violation of any rules and regulations of the bank. The workman was extended full opportunity to defend his case. He was represented by the representative of his own choice. In his cross-examination he has himself admitted that he was represented by Shri Brijender Singh who was representative of his own choice. He also admitted that he was allowed to produce witness of his own choice in the enquiry proceedings. Shri Brijender Singh in his cross-examination who acted as his representative, admitted that he was given full opportunity to cross-examine the witnesses of the management. There is nothing to suggest that the enquiry conducted by the Enquiry Officer who himself has come into the witness box and has stated on oath was fully justified and there is nothing to suggest any illegality or otherwise in these enquiry proceedings any violation of the principles of natural justice or any rules and regulations settlements as has been pointed out by the representative which could lead to the conclusion that the enquiry was not fair and proper.

9. In view of my above discussions, I am of the opinion that the enquiry conducted by the management against the workman was fully justified and legal.

10. I have also heard representatives for the parties on the quantum of punishment. The Enquiry Officer in conclusion of his enquiry had suggested the dismissal from service but the Appellate Authority after having given an opportunity of being heard to the official concerned changed the punishment of dismissal and ordered stoppage of two increments permanently treating period from 30th November, 1984 to July, 1985 as leave without pay was fully justified.

11. Keeping in view the circumstances of the case and a lenient view taken by the Appellate Authority on humanitarian grounds, I am of the opinion that the punishment awarded to the workman was fully justified. Parties are left to bear their own costs.

Dated : 5th June, 1997.

GANPATI SHARMA, Presiding Officer

